

MCNEIL ISLAND INVENTORY AND LONG-RANGE PLANNING PROCESS REPORT

November 2012



Main dock and former McNeil Island Corrections Center complex



Entrance to the Special Commitment Center



Butterworth Reservoir

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2025 First Avenue, Suite 800
Seattle, Washington 98121
P (206) 324-8760
www.berkconsulting.com

Bonnie Berk, Principal

Natasha Fedo, Project Manager/Lead Analyst

Dawn Couch, Analyst

Gary Simonson, Project Associate

Alex Krieg, Project Associate

Michele Eakins-TeSelle, Project Associate

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List of Frequently Used Acronyms*

ATG	Washington State Office of the Attorney General
DAHP	Washington State Department of Archaeology and Historic Preservation
DES	Washington State Department of Enterprise Services (successor to GA)
DFW	Washington State Department of Fish and Wildlife (successor to Game)
DNR	Washington State Department of Natural Resources
DOC	Washington State Department of Corrections
DSHS	Washington State Department of Social and Health Services
ECY	Washington State Department of Ecology
GA	Washington State Department of General Administration (predecessor to DES)
GSA	U.S. General Services Administration
MICC	McNeil Island Corrections Center
MOU	Memorandum of Understanding
NPS	U.S. National Park Service
OFM	Washington State Office of Financial Management
PARKS	Washington State Parks and Recreation Commission
PBC	Public Benefit Conveyance
RCO	Washington State Recreation and Conservation Office
RCW	Revised Code of Washington
SCC	Special Commitment Center
SCTF	Secure Community Transition Facility
SHPO	State Historic Preservation Officer
USFWS	U.S. Fish and Wildlife Service
WARC	Washington Archaeological Research Center

* Acronyms for state agencies are from the State Administrative and Accounting Manual.

MCNEIL ISLAND INVENTORY AND LONG-RANGE PLANNING PROCESS REPORT

EXECUTIVE SUMMARY

McNeil, Gertrude, and Pitt Islands are state-owned islands of approximately 4,400 acres in Puget Sound in Pierce County. The three islands are largely undeveloped with shoreline and island habitat for wildlife. Two deeds between the federal government and the state of Washington restrict use of the islands and prohibit public access. The state of Washington currently operates a Special Commitment Center (SCC) for civilly committed sexually violent predators on McNeil Island and uses part of the island for wildlife conservation. Until spring 2011, the state also operated McNeil Island Corrections Center (MICC) on the island.

With both closure and lack of maintenance of the correctional property, the state is out of compliance with one of two existing deeds between the federal government and the state. To address obligations agreed to in this deed and the possibility of reversion of the correctional property, the state must decide if it is in its best interest to continue to own the corrections portion of McNeil Island, especially since many of the infrastructure needs of the SCC are located on the correctional property. The SCC presence on McNeil Island may constrain future uses even if the deed use restrictions could be modified to allow another public benefit use, such as historic monument, wildlife conservation, or park.

Background

The federal government operated a prison on the island from 1875 until 1981. In 1981, the state began leasing the island and prison from the federal government. Through a series of conveyances starting in 1984, the federal government transferred ownership of all three islands to the state at no cost on the condition that the state use and maintain the islands for the designated public benefit purposes of corrections and wildlife conservation. Two deeds define ownership:

- The first deed is for **wildlife conservation use**. The state Department of Fish and Wildlife (DFW) owns over 3,100 acres or approximately 70 percent of McNeil Island along with all of Gertrude and Pitt Islands.
- The second deed is for **correctional use**. The state of Washington, working through the state Department of Enterprise Services (DES), on behalf of the state Department of Corrections (DOC), owns over 1,300 acres or approximately 30 percent of the island. The current deed includes an amendment to allow SCC use on one parcel.

Both deeds: (1) restrict use of the property in perpetuity to the designated public benefit purposes of corrections and wildlife conservation; (2) contain conditions and restrictions related to archaeological properties, wildlife, and public access; and (3) require, at the option of the U.S. General Services Administration (GSA) Administrator, reversion of ownership to the federal government if the state fails to use or maintain the property for the designated public benefit purposes. GSA is the agency responsible for real property transactions involving the federal government.

Current Situation

In December 2010, state law directed closure of MICC. DOC closed the prison on April 1, 2011. The state Department of Social and Health Services (DSHS) continues to operate the SCC on McNeil Island. Infrastructure to support the SCC is located throughout the island on property designated for correctional use and property designated for wildlife conservation.

From 1984 until June 2011, DOC served as the lead agency responsible for overall management of the island and infrastructure. Since closure of the correctional facility, DSHS has assumed responsibility for daily operations, management, and maintenance of only that infrastructure necessary to support SCC operations

on the island. DSHS is not funded to maintain the correctional portion of McNeil Island as it has historically been maintained by DOC. DFW continues with passive management tied to wildlife conservation.

In June 2011, GSA expressed concerns about the interim period between closure of the prison and a decision by the state on the future of McNeil Island. GSA also noted concerns about damage to reusable infrastructure, buildings, and potential historic and archaeological resources from lack of maintenance. In April 2012, GSA conducted a compliance inspection of the correctional property. In addition to finding the property out of compliance with the use requirement in the deed transferring the property to the state, GSA found noncompliance with the maintenance requirement in the correctional deed resulting in degradation and loss in value of certain improvements on the property.

GSA requires that the state either provide minimum maintenance of improvements on the corrections portion of McNeil Island during this interim period of decision-making about the island's future or begin a joint state - GSA reversion planning process for the correctional property. For the state to continue to own the property designated for correctional use, the state may (1) apply for use under another public benefit conveyance or combination of conveyances authorized under federal law, (2) purchase part or the entire correctional portion of the island at fair market value, or (3) obtain special legislation from the U.S. Congress directing GSA to a specific result. The state is in compliance with the wildlife conservation deed and with the amendment to the correctional deed related to the civil commitment facility.

Potential Paths Forward and Recommendations

This report contains a preliminary review of potential paths forward based on information and ideas gathered over the past year. This preliminary review guided recommendations for short-term actions and a long-range planning process for the future of McNeil Island. Short-term actions are actions recommended before July 2013 to (1) meet state obligations and commitments in the correctional deed and (2) prepare for a more comprehensive, long-range planning process to start in the 2013-15 biennium. A recommended long-range planning process builds on this report to strategically plan for future use of McNeil Island, subject to funding being appropriated or provided for this purpose. The recommended planning process starts July 1, 2013 and ends by December 31, 2014.

Actions to Consider During the 2013 Legislative Session

Meet State Obligations and Commitments in the Correctional Deed

- Fund costs for minimum maintenance in the 2013-15 biennium (estimated cost: \$200,000 to \$1 million annually depending on the type of maintenance).

Initiate a Long-Range Planning Process

- Determine the level of support for either leaving the SCC on McNeil Island or trying to relocate the facility off the island. Alternatively, decide if the SCC will remain on McNeil Island or if the state will seek to relocate the SCC to the mainland. (This action impacts the recommendation for a long-range planning process.)
- Fund costs of a long-range planning process for the future of McNeil Island in the 2013-15 biennium (estimated cost: \$480,000).
- Consider ideas for further inventory and analysis suggested by various interested parties to support a long-range planning process (estimated cost of all suggestions to date: \$750,000).
- Do some pre-work for the long-range planning process based on gaps in data and analysis identified in this report.
- Consider introducing a policy bill or other legislation about the future of McNeil Island during the 2013 legislative session.

1.0 INTRODUCTION AND BACKGROUND

1.1 Requirement and Purpose

The Washington State Legislature directed the state Office of Financial Management (OFM) to prepare a report to use to initiate a comprehensive, long-range planning process for the future of McNeil Island during the 2013-15 biennium ([2011-13 Operating Budget](#) [Section 129, Chapter 50, Laws of 2011, 1st Special Session]). This report, prepared by BERK under contract with OFM, fulfills that requirement. The Legislature identified the following actions to culminate in a report:

- (1) Documentation of research and analysis on the following issues:
 - Ownership issues associated with McNeil Island,
 - Federal and state decision-making processes to change use or ownership,
 - Tribal treaty interests,
 - Fish and wildlife species and their habitats,
 - Land use and public safety needs,
 - Recreational opportunities,
 - Historic and archaeological resources, and
 - Revenue from, and revenue necessary to support, potential future uses of the island.
- (2) Consultation with interested parties including:
 - Federal agencies with relevant responsibilities,
 - Tribal governments,
 - State agencies,
 - Local governments and communities in the area, and
 - Interested private organizations and individuals.
- (3) Recommendation of a comprehensive, long-range planning process for the future of the island and associated aquatic resources.

1.2 Report Organization

The report is organized into six sections:

- **1.0 Introduction and Background.** This section outlines report requirement and purpose, as well as report organization.
- **2.0 Project Approach.** This section describes the approach used to gather information and prepare the report.
- **3.0 Situation Assessment.** This section documents an inventory of topics required by the proviso.
- **4.0 Consultation with Interested Parties.** This section describes the consultation approach and provides a summary of comments received from interested parties by October 15, 2012.
- **5.0 Potential Paths Forward.** This section contains information about potential paths forward for future use of McNeil Island. The section highlights considerations and drivers for the island's future, uses allowed under existing deeds, ideas shared by interested parties, and several alternative paths that could be explored more thoroughly in a long-range planning process.
- **6.0 Planning Recommendations.** This section contains recommendations for short-term actions and a long-range planning process to determine the future of McNeil Island.

2.0 PROJECT APPROACH

The Washington State Office of Financial Management (OFM) contracted with BERK, an independent and interdisciplinary public policy consulting firm, to assist with the report. The project team's approach included gathering information, conducting analysis, developing an inventory of relevant materials, holding several work group meetings with representatives from state and federal agencies, and consulting with a broad array of interested parties.

2.1 Key Steps

Inventory and Analysis

The project team collected information about ownership and authority issues related to McNeil Island, island's history (particularly after federal ownership of the island), tribal treaty interests, federal and state decision-making processes, land use on the island, public safety, environmental issues, island and aquatic habitats, historic and archaeological resources, and potential opportunities for revenue.

Project Work Group

OFM led a project work group consisting of two federal agencies and ten state agencies, which served as a resource for the report:

Federal Agencies

- U.S. Fish and Wildlife Service
- U.S. General Services Administration

State Agencies

- Department of Archaeology and Historic Preservation
- Department of Corrections
- Department of Ecology

- Department of Enterprise Services
- Department of Fish and Wildlife
- Department of Natural Resources
- Department of Social and Health Services
- Office of the Attorney General
- Recreation and Conservation Office
- State Parks and Recreation Commission

Consultation with Interested Parties

OFM engaged various interested parties before recommending a planning process for the future of McNeil Island. The project team consulted with interested parties in person and through telephone interviews, open houses, and public comments. Attachment A is a list of interested parties invited to participate in meetings or open houses. Attachment B contains findings from consultations.

Review of Potential Paths Forward

The project team analyzed material gathered for the inventory, reviewed potential uses of the island under federal law, considered ideas shared by interested parties, and developed a set of potential paths forward.

Recommendation of a Long-Range Planning Process

The project team synthesized information from all the steps above to recommend a comprehensive, long-range planning process for the future of McNeil Island.

3.0 SITUATION ASSESSMENT

3.1 Overview of McNeil Island History (1853 to 2012)

McNeil Island is located in south Puget Sound in Pierce County. The island is between Fox Island to the north and Anderson Island to the south. McNeil Island is southwest of the city of Tacoma and west of the town of Steilacoom. Exhibit 1 is an aerial image of the island. Property covered in the wildlife conservation deed is shown in green and property covered in the correctional deed is shown in brown with yellow borders. The Special Commitment Center (SCC) and former McNeil Island Corrections Center (MICC) are labeled on the map.

Exhibit 1
McNeil Island Aerial Image



Source: BERK, 2012

Federal (and Earlier) Eras

Prior to the arrival of the first settlers, McNeil Island was most likely used by native tribes in the region as a location for food production, clamming, fishing, root gathering, and berry picking. There is currently no documented archaeological record that McNeil Island was permanently occupied by any tribes prior to arrival of the first settlers in 1853. Compiling the island's history prior to the mid-1800s might benefit a future long-range planning process according to some interested parties.

In 1870, the federal government acquired approximately 27 shoreline acres of land on McNeil Island to use as a territorial penitentiary. Clearing of the site began in 1871 and the prison opened with the arrival of three prisoners in 1875. The federal government operated the prison for over a hundred years between 1875 and 1981. When Washington became a state in 1889, discussion about the state operating the prison ensued. In

1904, the state declined an offer by the federal government to transfer the prison to the state, so the federal government received congressional agreement to maintain the facilities as a federal prison. Between 1925 and 1936, the federal government acquired the rest of the uplands on McNeil Island through purchases and condemnation. By 1940, all of McNeil Island became federal property for penitentiary use and the only people who lived on the island were prisoners, prison staff, and staff families. McNeil Island penitentiary became the largest single prison in the United States. Exhibit 2 provides a high-level timeline for the island's history between 1930 and 2012.

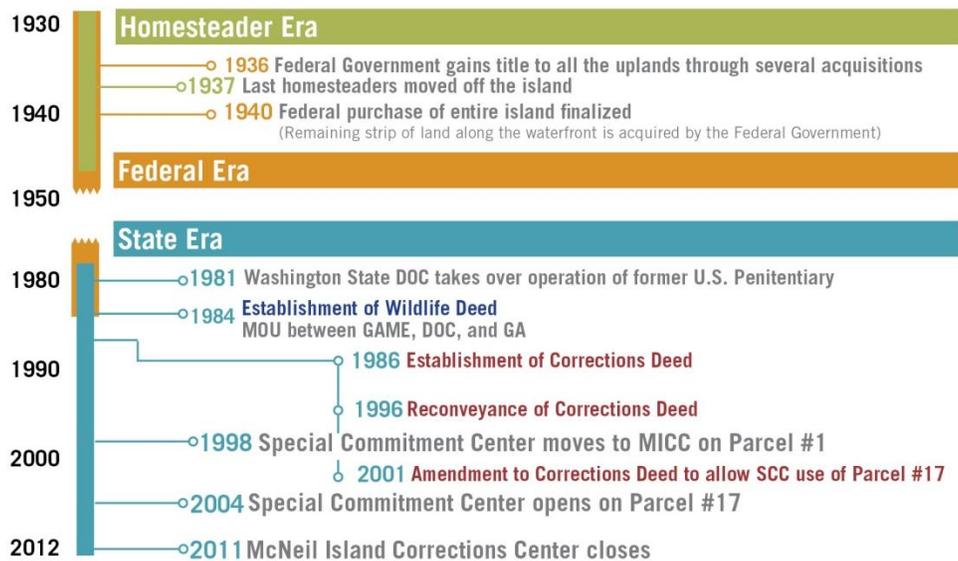
State Era: Transfer of Ownership and Deeds

In 1976, the Federal Bureau of Prisons decided to phase out the facility because of high operating and maintenance costs. When the federal prison closed in 1981, the state of Washington began leasing the island and prison from the federal government. In 1984 and 1986, through two conveyances, the federal government transferred ownership of all of McNeil Island to the state on the condition that the state use and maintain the island for the designated public benefit purposes and prohibit public access.

Using a quitclaim deed in 1984, the federal government through the U.S. General Services Administration (GSA) conveyed 3,119 acres of McNeil Island (approximately 70 percent) along with all of Gertrude and Pitt Islands to the state for management by the Department of Game (Game) (now the Washington State Department of Fish and Wildlife [DFW]) for conservation of wildlife. The deed states all three islands will be a sanctuary for wildlife and unavailable to the public.

Using a separate quitclaim deed in 1986, the federal government through GSA conveyed 1,326 acres of McNeil Island (approximately 30 percent) to the state (via the Washington State Department of General Administration [GA], now the Washington State Department of Enterprise Services [DES]) on behalf of the Washington State Department of Corrections (DOC) for educational purposes. The 1986 deed was replaced in its entirety in 1996 to effect a change to correctional use. The 1996 deed was later amended to allow use of approximately 87 acres on McNeil Island (approximately two percent of the island) for a civil commitment facility on parcel 17.

**Exhibit 2
McNeil Island Timeline: 1930-2012**



Source: Department of Corrections; McNeil Island Historical Society at www.mcneilisland.org, 2002

State Era: McNeil Island Corrections Center Closure

In December 2010, state law directed closure of MICC to generate savings ([2009-11 Supplemental Operating Budget](#) [Section 214, Chapter 1, Laws of 2010, 2nd Special Session]). DOC closed the prison on April 1, 2011. MICC was the last functioning prison in the nation accessible only by air or boat. Until closure of MICC, DOC provided many services to staff living on the island and to the SCC. Functions included emergency and fire response, ferry and barge service, high line electrical service, maintenance of roads, security, telephone and computer connectivity, vehicle maintenance and repair, water distribution, and wastewater treatment.

State Era: Current Use of the Island

The Washington State Department of Social and Health Services (DSHS) continues to operate the SCC on McNeil Island. The [SCC program](#) on the island includes a total confinement facility for high-risk sexual predators and a secure community transition facility (SCTF) for sexual predators approved by the courts to move from the total confinement facility. Infrastructure to support SCC operations is located throughout the island on parcels designated by the deeds for correctional purposes and on property designated for wildlife conservation. Since closure of the correctional facility, DSHS assumed responsibility for daily operations, management, and maintenance of only that infrastructure necessary to support SCC operations on the island. DSHS is not funded to maintain the correctional portion of McNeil Island as it has historically been maintained by DOC. DFW continues with passive management tied to wildlife conservation.

Ownership and Authority

3.2 Ownership

The history of ownership of McNeil Island includes private, federal, and state interests. While the original federal prison site dates back to territorial times, some of the island was at one time homesteaded or otherwise patented to private owners. In the 1930s, the federal government began a program to buy or condemn all private property across the island. By 1940, the federal government owned all of McNeil Island.

Following closure of the federal prison on McNeil Island in 1981, the state requested establishment of a correctional facility on the island. DOC leased the facility from 1981 until 1986, when the federal government transferred ownership of 24 parcels needed to run the prison to the state. The federal government transferred ownership of the rest of the island property not needed for correctional purposes to Game in 1984 to manage as wildlife conservation lands.

McNeil Island Deeds

Two deeds, a wildlife conservation deed and a correctional deed, prescribe the state's ownership and use of McNeil Island as shown in Exhibit 3.

Exhibit 3
McNeil Island Deeds

	Wildlife Conservation Deed	Correctional Deed
Year	1984	Original in 1986 Reconveyance in 1996 Amended to allow use of Parcel 17 for the SCC
Grantee	Washington State Department of Game, succeeded by the Washington State Department of Fish and Wildlife	Washington State Department of General Administration, succeeded by the Washington State Department of Enterprise Services, on behalf of the Washington State Department of Corrections
Acres	3,119.24 acres (about 70% of the island)	1,325.88 (about 30% of the island)

Source: Correctional and Wildlife Deeds; BERK, 2012

- **Wildlife Conservation Deed (1984).** In 1984, the U.S. conveyed 3,119.24 acres to Game, succeeded by DFW. The deed is supported by a public benefit conveyance under 16 USC 667 (b-d) for wildlife conservation and includes:
 - All the property on Gertrude Island, Pitt Island, and McNeil Island except parcels 1 – 24 and two ten foot by ten foot parcels of land occupied by U.S. Naval signal towers on McNeil Island.
 - Nineteen houses along with necessary services such as water, septic tank, power, and existing hay barns.
 - Any existing improvements.
 - Any interest in tidelands that may exist, except those associated with parcels 1 – 24.
- **Correctional Deed (1996).** Washington’s use of the remaining 1,325.88 acres of McNeil Island is covered by a quitclaim deed between the U.S. and the state through GA, succeeded by DES, on behalf of DOC. The deed is supported by a public benefit conveyance under 40 USC 553 (formerly 40 USC 484 [p]) for correctional purposes.
 - The deed conveys all property identified as parcels 1 – 24.
 - Any improvements on those parcels.
 - U.S. interest, if any, in the tidelands associated with the described parcels of land.
 - A 2001 amendment to the 1996 correctional deed allows use of parcel 17, comprised of 87.4 acres, as a civil commitment facility in perpetuity.

Exhibit 4 is a map with the configuration of property for each existing deed. Property covered in the correctional deed is shown by parcel number with yellow borders (parcels 1 through 24). The wildlife conservation deed covers all remaining property outside the yellow bordered parcels. The map also shows the former MICC main prison complex and current SCC labeled on parcels 1 and 17, respectively.

Exhibit 4

Map of Parcels in Correctional Deed, Property in Wildlife Deed, and Parcels Used by DSHS



Source: BERK, 2012

The following Exhibits list the reservations, restrictions, and covenants in both deeds. These apply to all property in the wildlife deed and all property in the correctional deed, except parcels 1 and 17. Reservations, restrictions, and covenants unique to the individual deeds follow the common language. The text below may differ slightly from the actual deed language, but reflects the intent.

Exhibit 5

Wildlife and Correctional Deeds: Reservations

Reservations

The [U.S.] reserves the right of ingress and egress to McNeil Island via the existing McNeil Island ferry landing and over the existing McNeil Island road system for purposes of installation, maintenance, repair, and replacement of the existing signal towers.

- U.S. Navy’s existing Signal Tower No. 6 located at Hyde Point on McNeil Island.
- U.S. Navy’s existing Signal Tower No. 5.
- U.S. Navy’s electrical service lines.

Reserving to the [U.S.] all oil, gas, and other minerals in the above described land, together with the right for the [U.S.] or its assigns through its authorized agents, representatives or lessees, to enter upon the land at any time and prospect for, mine, and remove all such oil, gas, or other minerals.

Source: Wildlife Deed, Contract #8402020201, 1984, and Correctional Deed, Contract #9604240362, 1996

Exhibit 6

Wildlife and Correctional Deeds: Archaeological Restrictions

No.	Description
Wildlife 1 Correctional 1	Wherever feasible and prudent, avoid the use of any known archaeological property.
Wildlife 2 Correctional 2	Prohibit public access to known archaeological sites.
Wildlife 3 Correctional 3	Evaluate continuing and proposed activities and uses to identify possible effects upon archaeological properties and take steps to avoid adverse effects.
Wildlife 4 Correctional 4	Ensure that the area of all proposed facilities development involving ground disturbance will be evaluated by a professional archaeologist to determine if significant archaeological properties will be affected.
Wildlife 5 Correctional 5	Where it is not possible to avoid disturbing significant archaeological properties, undertake recovery in accordance with a data recovery plan approved by the Washington State Historic Preservation Officer (SHPO) of the important information that would otherwise be lost as a result of the proposed development.
Wildlife 6 Correctional 6	Evaluate the condition of known archaeological properties where they are subject to erosion; undertake limited testing to establish boundaries and provide a basis for establishing each property's significance; and implement a plan of non-destructive erosion control measures, or data recovery, as determined to be necessary and sufficient by the Scientific Committee of the Washington Archaeological Research Center (WARC) or its successor in function.
Wildlife 7 Correctional 7	Submit to binding arbitrations should the responsible State agency fail to reach the required agreement with the WARC Scientific Committee or the SHPO on the nature and extent of measures undertaken to comply with items #5 and #6.
Wildlife 8 Correctional 8	Conduct, in consultation with the SHPO and the Advisory Council on Historic Preservation, the passenger and supply operations for the Steilacoom Ferry Terminal in such a manner as to minimize any detrimental impact upon the Steilacoom Historic District wherever possible and prudent.

Source: Wildlife Deed, Contract #8402020201, 1984, and Correctional Deed, Contract #9604240362, 1996

Exhibit 7

Wildlife and Correctional Deeds: Wildlife Restrictions

No.	Description
Wildlife 1 Correctional 9	Pursuant to the existing agreement with the U.S. Department of the Interior, U.S. Fish and Wildlife Service or its successor in function, the Washington State Department of Game or its successor in function [Department of Fish and Wildlife] will act as manager of the wildlife associated with the property.
Wildlife 2 Correctional 10	McNeil, Gertrude, and Pitt Islands will be a sanctuary for the unmolested feeding and breeding of wildlife and will be specifically unavailable to the public. Access will be limited to U.S. Fish and Wildlife Service [USFWS] personnel, Department of Game personnel [DFW], the inmate population, and DOC authorized visitors.
Wildlife 3 Correctional 11	Management of the sanctuary will be oriented to the maintenance of the passive and natural wildlife which now exists. Existing farmlands may be cultivated. It is considered that such agricultural use would provide additional seed and food sources for the benefit of the wildlife. However, no new development whatsoever will take place, i.e. no new roads, no new buildings or any other improvements shall be built in the restricted area.
Wildlife 4 Correctional 12	USFWS or Game officials may conduct limited research studies or inventories of wildlife to improve the island as a wildlife refuge.
Wildlife 5 Correctional 13	Penitentiary security staff will be cross deputized to enforce game management and protection laws.
Wildlife 6 Correctional 14	Because the largest remaining population of Harbor Seals in South Puget Sound exists on Gertrude Island in Still Harbor. The Still Harbor dock will be used by the DOC only on a limited basis as in an emergency weather situation. Corrections authorities will confer with the USFWS or Game officials to determine and precautionary measures to be taken.
Wildlife 7 Correctional 15	No program for taking animals for management purposes shall be conducted without prior approval by Game.
Wildlife 8 Correctional 16	The area between Larsen Point and Milewa Creek will be restricted from any use whatsoever by Corrections personnel and their families living on McNeil island without the prior approval of the U.S. Fish and Wildlife Service or Game. This area is specifically restricted due to the Harbor Seals, a Great Blue Heron Rookery and Bald Eagle Nesting area located in this area.

Source: Wildlife Deed, Contract #8402020201, 1984, and Correctional Deed, Contract #9604240362, 1996

Exhibit 8

Wildlife and Correctional Deeds: General Restrictions

No.	Description
Wildlife 1 Correctional 17	GSA reserves the right to conduct joint compliance inspections with USFWS of the property conveyed. The inspections will be made at the discretion of GSA and USFWS with prior notice to the state.
Wildlife 2 Correctional 19	The state has the right to use and maintain all the improved parcels located in the restricted area on McNeil Island. However, no new development will be allowed in the restricted area parcels, and when it is no longer economically feasible to maintain the structures, the underlying land should be returned to its natural condition.
Wildlife 3 Correctional 20	The state shall not deliberately cut any tree or timber or otherwise perform any logging activity in the restricted area parcels. [Washington State] has the right to clear existing right-of-ways of trees, brush, or other vegetation. This right shall also apply to the removal of trees, brush, and other vegetation to prevent fire or safety hazards.

Source: Wildlife Deed, Contract #8402020201, 1984, and Correctional Deed, Contract #9604240362, 1996

Exhibit 9

Wildlife and Correctional Deeds: Additional Covenants, Reservations, and Restrictions

Additional Wildlife Reservations and Covenants
Any construction or alteration is prohibited unless a determination of no hazard to air navigation is issued by the Federal Aviation Administration in accordance with Title 14 Code of Federal Regulation, Part 77, entitled "Objects Affecting Navigable Airspace," or under authority of the Federal Aviation Act of 1958, as amended.
In the event the President of the United States, Congress, Secretary of Defense of the United States, or the Secretaries of the Army, Navy, Air Force, or their lawful delegates determines that the property is needed for national defense purposes, the title shall revert to the [U.S.], and upon which reversion the title to the state shall cease and the [U.S.] shall have the immediate right of possession.
Prohibiting any development or use of the tideland without the written consent of the Department of Navy, Puget Sound Naval Shipyard, Bremerton, Washington 98314.

Source: Excerpted from Wildlife Deed, Contract #8402020201, 1984

Other Correctional Covenants

The property shall be used and maintained as a correctional facility in perpetuity and the property shall not be sold, leased, mortgaged, assigned or otherwise disposed of, except to another Government agency for the same purpose described and that any such transfer shall first be consented to by the GSA Administrator or his successor in function.

In the event of a breach of this covenant...regardless of the cause of such breach, all right, title and interest in and to the described property, including all improvements, shall revert to and become the property of the United States at the option of and upon demand made in writing by the [GSA] Administrator.

Source: Excerpted from Correctional Deed, Contract #9604240362, 1996

No. Other Correctional Restrictions

Correctional 18 The [U.S.] reserves the right to conduct periodic inspections of the property use in Parcel #1 and #17 to ensure compliance with the terms and conditions of the use application and correctional use plan approved by the U.S. Department of Justice.

Correctional 21 [Washington State] shall protect and maintain the single Holm’s gravesite and the Department of Justice, Bureau of Prisons inmate cemetery in the same manner as previously maintained by the Bureau.

Source: Excerpted from Correctional Deed, Contract #9604240362, 1996

Ownership of Tidelands and Related Management Issues

Upon statehood, the state asserted ownership of all beds and shores of navigable waters, up to the line of ordinary high tide for tidally influenced waters. The state sold some tideland parcels around McNeil Island to private upland owners. Sales prior to 1911 extended down only to the line of mean low tide. Some sales occurred after 1911, in which case the tidelands extended down to the extreme low tide line. Also in 1910, the federal government obtained a deed for the tidelands immediately fronting the main prison facility, which includes a reversionary right to the state when the uplands are no longer used for federal purposes. The state Department of Natural Resources (DNR) maintains records and maps along with copies of deeds showing the original tidelands sales around McNeil Island.

Tidelands previously sold into private ownership. According to the Washington State Office of the Attorney General (ATG), it is assumed that when the federal government acquired private lands on McNeil Island, it legally and specifically acquired interests in the associated private tidelands. As a result, the federal government would have acquired them fee simple absolute. The federal government's interest in those formerly private tidelands were conveyed back to the state either through the 1984 or 1996 deeds, and those tideland parcels would be subject to the deed restrictions.

State-owned tidelands. In the late 1930s, the federal government approached the state and asked to acquire all of the tidelands around the island that had not been previously sold into private ownership. In 1940, the state granted the request and issued a deed to the federal government for all of the tidelands around the island not previously sold. This deed was issued pursuant to laws that still exist today in the Revised Code of Washington (RCW) at [79.125.760](#) through .790. This deed states that if the federal government ceases using the uplands for approved federal purposes, then the tidelands automatically revert back to the state of Washington. When the federal government left the island in 1981, the tidelands subject to the 1940 deed and the 1910 deed reverted back to the state, automatically becoming subject to DNR's statutory management authority. The tidelands that reverted back to the state are not subject to any of the restrictions in the 1984 or 1996 deeds.

Current management responsibility. In 1984, Game, DOC, and GA entered into a Memorandum of Understanding (MOU) governing how the agencies would allow access to and use properties subject to their respective deeds. The MOU specifies that tidelands shall be accessible to both Game (now DFW) and DOC for wildlife management, custody, security, and operational purposes. The MOU grants DOC authority and responsibility to patrol all beach areas for security purposes and it allows DOC to maintain a 100 yard safety buffer zone into the water around the island. While this was true with DOC on McNeil Island, DSHS assumed responsibility for perimeter patrol since closure of the correctional facility.

Because of DOC's operational security concerns around the island, DNR has not historically received requests from third parties asking to lease the island tidelands.

3.3 Tribal Interests

South Puget Sound is home to numerous Native American tribes who lived throughout the Puget Sound and river valleys of northwest Washington. Current scientific data suggests occupation as long as 12,000 years ago, when Siberia and North America were connected via the Bering Land Bridge. Native American beliefs identify the end of the ancient “myth age” as when Native American tribes were created in the area. The original homelands and territories of Native Americans continue to play a role in tribal culture and identity. The tribes for which McNeil Island was part of historical territories continue to have a cultural interest in McNeil Island.

Medicine Creek Treaty of 1854

Tribal legal interests in McNeil Island are governed by the Stevens Treaties, most notably the [Medicine Creek Treaty](#) (1854). In the Medicine Creek Treaty, the signing tribes surrendered land to the U.S. in exchange for reservations, cash payments, and recognition and protection of traditional native fishing and hunting rights. The reserved fishing and hunting rights were affirmed in later court decisions. These decisions also affirmed the rights of tribal harvesters to access off-reservation “usual and accustomed grounds and stations.”

Article 3 of the treaty covers rights to fish and shellfish in usual and accustomed grounds and stations (also known as U&A):

Exhibit 10
Medicine Creek Treaty of 1854, Article 3

The right of taking fish, at all usual and accustomed grounds and stations, is further secured to said Indians in common with all citizens of the Territory, and of erecting temporary houses for the purpose of curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses on open and unclaimed lands: Provided, however, that they shall not take shellfish from any beds staked or cultivated by citizens, and that they shall alter all stallions not intended for breeding-horses, and shall keep up and confine the latter.

Current federally recognized tribes in the south Puget Sound area that signed the Medicine Creek Treaty include the Nisqually, Puyallup, and Squaxin Island tribes.

Other Agreements

Washington State works with sovereign Native American nations in the state to strengthen relationships and cooperation on issues of mutual concern. These efforts are formalized in the [Centennial Accord](#) (1989) and an affirmation of commitments in the [Millennium Agreement](#) (1999). The Accord and Agreement provide a framework for government-to-government relationships and implementation procedures to better achieve mutual goals through an improved relationship between sovereign governments.

Recent Requests for Access

Known requests from federally recognized tribes for fish and shellfish harvesting access include the following:

- Access to the McNeil Island beaches for shellfish harvest was granted to the Puyallup in 1995-1996 on the condition that DOC security needs were met. Correspondence from the U.S. Attorney's Office confirmed that tribal shellfish harvests on the beach would not be a violation of the deed restrictions, so long as any harvests were coordinated with the U.S. Fish and Wildlife Service (USFWS) to avoid adverse environmental impacts on sensitive areas of the shoreline. It is believed that the Puyallup did not pursue the harvest request.
- The Squaxin Island Tribe sent a letter to the federal government in May 2011 expressing the tribe's interest in fishing and shellfishing on the tidelands associated with McNeil Island. The tribe obtained the state's permission and had a biologist conduct an initial inspection of the beaches for shellfish populations. Any tribal harvest activity would need to be coordinated with the SCC's security.

3.4 Federal and State Decision-Making Processes

Federal Processes

This section of the report provides general information on property reversion to the federal government and public benefit conveyances allowed under federal law.

GSA is responsible for real property policy, planning, and transactions for the federal government. The Public Buildings Service of GSA is responsible for managing the utilization and disposal of federal excess and surplus real property government-wide.

Property Reversion to the Federal Government

McNeil Island deeds state that ownership shall revert to the U.S., at the option of the GSA Administrator, if the state ceases to use or maintain the island for correctional or wildlife conservation purposes. GSA has authority to sign and record a deed reverting property to the U.S. and then take possession of the property if that is in the best interests of the U.S. taxpayer. State or local government may also deed the property back to the federal government without any discussion. GSA has the right to refuse to accept a reversion if rejecting it is in the best interest of the U.S. taxpayer. An example is a property with significant environmental contamination.

In the event the corrections portion of the McNeil Island reverted to the federal government, GSA would then proceed with its [federal disposition process](#).

Public Benefit Conveyances

A public benefit conveyance (PBC) allows the federal government to transfer the title of surplus property to qualified entities for public uses at a substantial discount (up to 100 percent reduction from fair market value). Depending on the type of PBC, the federal government can restrict the use of the property conveyed for up to 30 years or in perpetuity. If at any time the property is not used for its designated purposes, it may be returned to the federal government. The intent of a PBC is to support property uses that benefit the community as a whole.

All PBCs are sponsored by a designated federal agency. While the decision to convey rests with GSA, the sponsoring agency serves as the approving authority to decide if the proposed use is a viable program (e.g., the National Park Service for park and recreation conveyances). Exhibit 11 outlines different types of PBCs, sponsoring agencies, uses, and required durations of specified uses.

Exhibit 11
Types of Public Benefit Conveyances

Public Benefit Conveyance	Sponsoring Agency	Use	Required Duration of Specified Use
Homeless Use	U.S. Department of Health and Human Services	Facilities to assist the homeless.	30 years
Educational Use	U.S. Department of Education	School, classroom, or other educational uses.	30 years
Public Health	U.S. Department of Health and Human Services	Protection of public health, including research purposes.	30 years
Correctional Facility	U.S. Department of Justice	Correctional facility use for the care or rehabilitation of criminal offenders.	In perpetuity

Public Benefit Conveyance	Sponsoring Agency	Use	Required Duration of Specified Use
Public Parks and Recreational Areas	U.S. Department of Interior, National Park Service	Public park or recreation area.	In perpetuity
Historic Monuments	U.S. Department of Interior, National Park Service	Historic preservation purposes; may allow rehabilitation for new uses including revenue-producing activities.	In perpetuity
Port Facilities	U.S. Department of Transportation	Development or operation of a port facility.	In perpetuity
Port Facilities	U.S. Department of Transportation	Federal or other highway or as a source of material for construction or maintenance of any highway adjacent to federal real property.	No restriction
Wildlife Conservation	U.S. GSA in consultation with the U.S. Department of Interior, Fish and Wildlife Service	Wildlife conservation purposes or in support of the conservation of wildlife or the national migratory bird management program.	In perpetuity
Law Enforcement	U.S. Department of Justice	Control or reduction of crime and juvenile delinquency, enforcement of criminal law, investigative activities, forensic laboratory functions, or training.	In perpetuity
Public Airports	U.S. GSA in consultation with the Federal Aviation Administration	Development, improvement, operation, or maintenance of a public airport.	In perpetuity
Self-Help Housing	U.S. Department of Housing and Urban Development	Housing and/or housing assistance to low income individuals and families.	30 years
Emergency Management	U.S. Federal Emergency Management Agency	Emergency management response purposes, including fire and rescue services.	In perpetuity

Source: [Acquiring Federal Real Estate for Public Uses](#), U.S. GSA

State Decision-Making Processes

The state decision-making process depends on the proposed plan for future use and ownership of McNeil Island. The state has decentralized authority for real estate, which can lead to complexities. At the state level, decision-making about real property often involves more than one branch of government and multiple public entities. Some state entities report to the Governor, some report to separately elected officials, and some report to a board or commission.

Policy and Budget

Decisions about authority, policy, and funding for real property generally involve the Governor and Legislature. A proposed plan for the future of McNeil Island might require approval by the Legislature. State funding to support implementation of the plan would require legislative and gubernatorial approval.

The Legislature approves statutory changes to authority related to real property, certain purchases of real property, financing contracts involving real property, special legislation to the U.S. Congress about real property, and funding for real property through both the capital and operating budgets for the state. The Governor considers both policy and appropriation bills passed by the Legislature. The Governor has the power to sign bills into law or veto all or parts of bills.

Operational Use

Agency leadership is responsible for decision-making on management, programmatic, and operational issues associated with McNeil Island consistent with state statute. There is currently no single state agency with authority, responsibility, and budget to manage an asset such as McNeil Island. Several state agencies have authority to manage a site like McNeil Island, but none has discretionary budget adequate to absorb operations without additional capital and operating budget appropriations.

Deed Authority

There are several real estate authorities in state law, which grant authority to different state agencies.

Correctional deed. The grantee for the correctional deed is the state of Washington, acting by and through GA (now DES), on behalf of DOC. DOC is the state agency that holds jurisdiction for the property under the correctional deed and DES is the intermediary agency.

For the correctional deed, DES is the agency authorized in statute to handle real estate transactions on behalf of DOC and DSHS. Per [RCW 43.82.010](#), DES has authority to purchase, lease, lease purchase, rent, or otherwise acquire real estate for most state agencies (except for agencies with independent decision-making authority for certain types of real estate). For acquisition of property and changes to the correctional deed, DES is required to consult with the Washington State Office of Financial Management (OFM). For future transactions involving the correctional deed, a recommended approach for the state is to have both DES and DOC sign off on any dispositions of the property after consultation with OFM.

Wildlife conservation deed. DFW is the title holder for most of the McNeil, Gertrude, and Pitt Island uplands and some of the tidelands. Approval for ownership issues involving real property under the jurisdiction of DFW primarily rests with the Washington Fish and Wildlife Commission.

Per [RCW 77.04.055](#) and [77.12.210](#), the Washington Fish and Wildlife Commission has authority for real property decisions involving DFW. The Commission receives its authority from the passage of Referendum 45 by the 1995 Legislature and public at the 1995 general election. The Commission's primary role is to establish policy and direction for fish and wildlife habitats in Washington and to monitor implementation of the goals, policies, and objectives established.

Tidelands. Ownership of most of the tidelands around McNeil Island has reverted back to the state and is managed by DNR under the authority of the separately elected Commissioner of Public Lands. According to the use deed of 1940 between DNR and the U.S., the ownership of tidelands reverted to the state when the federal prison closed and the federal government ceased using the uplands. Ownership issues involving reversion rights of aquatic lands managed by the state primarily rest with DNR. DNR's authority to manage tidelands is in [RCW 79.105](#) and [79.125](#).

Current Uses and Conditions

3.5 Current Use of McNeil Island

Current activities on McNeil Island include passive wildlife management by DFW, operations of the SCC by DSHS, and occasional use of some structures and parcels by DOC.

Wildlife Management Activities

DFW manages McNeil, Gertrude, and Pitt Islands mostly by enforcing the wildlife restrictions within the deed. These restrictions state the islands will be a sanctuary for the unmolested feeding and breeding of wildlife and will be unavailable to the public. DFW has regular marine enforcement patrols. All of the noxious weed management is associated with open areas under the correctional deed, which was mostly managed by DOC.

Harbor Seal Rookery of Gertrude Island. DFW's most significant time investment is to study and manage the harbor seal rookery on Gertrude Island in Still Harbor. Still Harbor is the main site of an over 30-year long study of harbor seals in Puget Sound, which is a cooperative study by DFW and the National Oceanic and Atmospheric Administration's National Marine Mammal Laboratory. There are several research projects planned or ongoing for Gertrude Island. DFW also maintains and updates a [seal camera](#) available for viewing by the public through its web site.

Fish Passages. DFW is currently planning a project on McNeil Island's Luhr Creek to implement in summer 2013, which will correct two fish passage barriers. DFW is responding to a court order requiring the state to provide fish passage on roads for compliance with a tribal culvert case. This project will replace an undersized culvert and remove a dam to open up about 350 linear meters of habitat. The creek is spring-fed; has the potential to support sea run cutthroat, coho, and resident trout; and may provide some estuary habitat for migrating pink and chum fry.

The culvert on Luhr Creek is located on a road with minimal fill. A bridge may be the best option that would meet fish passage requirements. The dam is an earth fill dam with a concrete spillway. The stream was originally ponded to provide drinking water, but the pump at the site has not been functional for several years. There are multiple ponds on the island that provide drinking water and water for fire hydrants. The Luhr Creek pump house is not required for reliable delivery of water to the SCC.

Special Commitment Center

The SCC is a post-sentence specialized mental health treatment facility for civilly committed sex offenders who meet the criteria of sexually violent predators.

Authority and Timeline for the SCC

- In 1990, Washington passed the Community Protection Act ([RCW 71.09](#)) allowing the state to detain sexually violent predators for care, control, and custody after serving criminal sentences.
- In 1991, the state created the SCC as a mental health treatment facility for sex offenders, administered by DSHS. The original site for the SCC was located within the secure perimeter of a state correctional complex in Monroe. Also in 1991, a civil rights lawsuit filed in federal district court alleged violations of the constitutional rights of SCC residents.
- In 1994, the U.S. District Court for the Western District of Washington entered an order and injunction requiring the SCC to provide residents with "constitutionally adequate mental health treatment." The court found the center operated too much like a prison and not enough like a mental health facility. The injunction required the SCC to:
 - Adopt and implement a plan for hiring and training competent therapists.
 - Implement strategies to rectify the lack of trust between residents and staff.

- Implement a general treatment program for residents, including involvement of spouses and family members and all other generally accepted therapy components.
- Develop an individual treatment plan for each resident to measure progress.
- Provide an expert in treatment of sex offenders to supervise and consult with treatment staff.
- Provide access to vocational training.
- Demonstrate that patients can graduate from treatment.
- Starting in 1995, the U.S. District Court held annual or semiannual hearings on the state’s progress toward meeting the court’s requirements.
- In 1997, DOC received confirmation from GSA that moving the SCC to the MICC complex was within the parameters of the deeds to the island. The SCC was relocated from Monroe to MICC in 1998.
- In 1998, the U.S. District Court found the SCC had not complied with constitutional requirements and provided another list of items to address. The state appealed, but the order was affirmed by the U.S. Ninth Circuit Court of Appeals holding there had been no error in the lower court’s conclusion that the SCC was still not providing adequate treatment constitutionally required for civilly committed persons.
- In 1999, the U.S. District Court held the state in contempt for failing to comply with the injunction and contempt sanctions began accruing.
- In the early 2000s, the U.S. District Court found the state’s enactment of legislation establishing a secure community transition facility on the island and providing a process for siting additional facilities on the mainland was a positive step.
- In 2004, the state opened the SCC in its current location on parcel 17 in the north central part of McNeil Island. The relocated SCC on the island is geographically separated from, and independent of, the former DOC correctional facility. Also in 2004, the U.S. District Court found the state was no longer in contempt of court.
- In 2007, the U.S. District Court dismissed the injunction and closed the case.

Civil Commitment Process

The [civil commitment process](#) is under the authority of the superior court in the county in which an individual was previously convicted of a sex crime. Sex offenders who have completed their criminal sentences, but whom state superior courts find to meet the definition of sexually violent predator, may be civilly committed to the SCC per [RCW 71.09](#). These sex offenders remain in the total confinement program until the court determines readiness for placement in a community supervised living arrangement known as a less restrictive alternative.

A person convicted of a sexually violent crime serves a sentence in the state penal system. At the end of the sentence, the offender is evaluated by the End of Sentence Review Committee. By discretion of the Committee, the person is referred to a Sexually Violent Predator Subcommittee to examine the offender’s criminal history, progress in treatment, mental health, and risk. If the Subcommittee deems it warranted, the offender is referred for psychological review. The person is reviewed by a forensic psychologist to determine if the offender meets the definition of a sexually violent predator. If so, the person is referred to the state attorney general or King County prosecutor.

Definition of a sexually violent predator: “Any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which

makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.” ([RCW 71.09.020](#))

The state attorney general or King County prosecutor decides whether to file a probable cause petition seeking civil commitment. If the offender is petitioned, there is an assignment to a superior court judge. The judge reviews all the relevant findings and determines if there is probable cause to continue the process. The offender is entitled to a lawyer and an expert and is transferred to the SCC to await trial.

If a jury or judge determines beyond a reasonable doubt the offender meets the definition of a sexually violent predator, the offender is civilly committed at the SCC for an indefinite period of time. An individual stays in total confinement until the individual’s condition changes so the person no longer meets the definition of a sexually violent predator or the court orders the person’s conditional release to a less restrictive alternative. Residents are evaluated annually to determine if they continue to meet criteria for confinement.

Current Operations of the SCC

DSHS operates the SCC on parcel 17 on McNeil Island. Infrastructure to support the SCC is on property throughout the island authorized for wildlife conservation and correctional use. The SCC is a program with multiple facilities, each designed to serve a particular part of the program:

- The **total confinement facility** is actually a campus of facilities. The state designed and constructed the SCC specifically for its resident population to provide maximum public safety and ease of management within the perimeter of the property.
- **Secure community transition facilities (SCTF)** are for those residents who complete required levels of treatment in an institutional program, receive DSHS recommendation, and receive court-ordered conditional release to a transitional facility. There are two transitional facilities – one near the total confinement facility on McNeil Island and another one south of downtown Seattle in King County.
- **Supporting infrastructure** for the SCC is located throughout the island. Since closure of the correctional facility, DSHS assumed responsibility for daily operations, management, and maintenance of only that infrastructure necessary to support SCC operations on the island. DSHS is not funded to maintain the correctional portion of McNeil Island as it has historically been maintained by DOC. There are no longer state employees living in houses on the island and vehicle maintenance occurs elsewhere. Services operated by DSHS include fire protection, marine operations, security, water and wastewater treatment, and others.

For more information about parcels and facilities in use by DSHS for operation of the SCC, please see Section 3.7 on Land Use.

Most of the SCC facilities were designed specifically for their purpose. DOC’s former work ethic camp is incorporated into the current SCC facilities. The cost to build the DSHS SCC facilities was approximately \$60 million. The DSHS capital expenditure for the total confinement facility and the Pierce County SCTF is \$75 million to date.

The DSHS budget for fiscal year 2013 for the SCC on McNeil Island is approximately \$33.8 million:

- | | |
|--|---------------------|
| • Main Total Confinement Facility: | \$30,816,000 |
| • Pierce County SCTF: | \$ 2,451,000 |
| • SCC Program Administration: | \$ 490,000 |
| • Total for SCC on McNeil Island: | \$33,757,000 |

DSHS identified a total of \$12.2 million needed for capital improvements for the SCC in the 2013-15 biennium. These proposed capital improvements are for buildings, utilities, and other infrastructure currently operated by DSHS as necessary to support the SCC. The proposed capital improvements include:

- \$7.7 million for island infrastructure upgrades for work previously identified by DOC (marine structures, water distribution system, water treatment system, water storage system, sewer collection and treatment, and electrical distribution systems);
- \$2.45 million for kitchen and dining room upgrades at the SCC total confinement facility; and
- At least \$2.0 million in minor works preservation projects on buildings, infrastructure, and roadways in the next four years.

As of August 2012, the population in the SCC program was:

- 278 residents in the total confinement facility, and
- 16 residents in the two secure community transition facilities (one on McNeil Island and one in King County).

All residents are offered treatment and there is a 38 percent participation rate as of summer 2012. Every year residents are assessed against criteria for confinement in the total confinement facility. If a resident no longer meets the criteria, the person is considered for release under court order to a less restrictive alternative such as a SCTF, supervised group home, or private home in the community. Since its inception, the SCC has released over 150 people, including those released to secure community transition facilities.

Population Forecast for the SCC

The SCC has grown from a first-year population of six residents to just fewer than 300, with 18 to 27 people admitted annually since 2006. In fiscal year 2012, releases exceeded admissions for the first time in the history of the state's sexually violent predator law according to a report submitted to the Washington State Institute for Public Policy by Christopher Murray and Associates on [DSHS Special Commitment Center: Population Forecast](#) (November 2012, Document No. 12-11-1101). This is because of a general decline in admissions over the last 12 years and a more recent sharp increase in releases.

As stated in the report, the population forecast is based on a model that predicts annual admissions and releases. While there have been intermittent changes, admissions per year have generally trended downward since 2000. The primary cause for this trend is believed to be a change in sentencing law in 2001 that created the "Determinate-Plus" sentencing system. Determinate-plus sentencing is an upfront sentencing system for certain sex offenders in prison and out of the civil commitment process. Most of the effect of this statutory change appears to have already occurred per the report. While there will continue to be year to year variation, a general decline in admissions is not expected to continue beyond another two years.

The report notes an increase in the number of releases from the SCC in recent years. The primary reason for this change is new research concluding there is a significant decrease in recidivism by rapists at age 60 and by pedophiles at age 70. Because of this research, many older persons no longer meet the criteria for civil commitment at the legally required annual review. This may influence the court's decision that a person continues to meet criteria.

Assuming recent trends, the number of people under the jurisdiction of the SCC is expected to remain at or about its current level for a few years and then gradually decline according to the report. Admissions to the SCC will trend in the range of 12 to 20 per year, with some years higher and some years lower. There has been a notable increase in the number of releases from the SCC in recent years.

The report indicates the future population will primarily reside in the total confinement facility with little or no increase in the use of less restrictive alternatives over current levels. The report further expects that population levels at SCC will vary between 299 and 312 in the next 20 years between fiscal year 2013 and 2032 (at the total confinement facility and secure community transition facilities combined). On average, the population of the SCC will likely remain between 300 and 313 until the start of fiscal year 2032 at which time the projection decreases to 299.

Closure of the Correctional Facility

MICC was a large multi-custody facility that could house up to 1,400 offenders. In December 2010, state law directed closure of the correctional facility. Following significant across-the-board budget cuts announced in late 2010, the Legislature determined the facility's operating costs no longer justified keeping it open.

The closure of the prison in 2011 and DOC's departure from the island were complex processes. DOC provided key services to the SCC and staff living on the island including water distribution, wastewater treatment, high line electrical service, security, emergency and fire response, phone and computer connectivity, ferry and barge service, and road maintenance. The prison complex itself included an infirmary, medical and dental clinics, full institutional kitchen, housing units, chapel, program space, institutional laundry, furniture factory, and meat processing.

DOC performed a cold closure of the correctional facility. For the buildings inside the perimeter fence of the correctional facility, DOC disconnected and capped the power and water lines. The exterior envelope of the buildings is intact, but some siding is deteriorating. DOC opened buildings in the main prison complex during summers to ventilate, yet mold is the primary building issue. DOC disconnected island housing from utilities and capped supply lines for water and sewer.

Tasks completed by DOC as part of the closure of the correctional facility include:

- Transferring offenders to other institutions.
- Transferring staff to other DOC institutions or the SCC, as well as some layoffs.
- Closing staff houses and removing hazardous material, supplies, and fuels.
- Clearing buildings of fragile materials, furniture, and supplies.
- Boarding up unused structures to provide some protection of potentially historic assets (warden's house, staff houses, community center, and other facilities).
- Transferring marine vessels to the SCC.
- Transferring security equipment to other DOC facilities.
- Transferring radio licenses to the SCC or terminating licenses.
- Securing the prison with all but one gate welded shut.
- Shutting off utilities to most buildings.

Ongoing tasks include:

- Transferring or disposing of hazardous materials embedded in buildings.
- Transferring remaining equipment, inventory, supplies, and tools.
- Shutting down the prison central steam plant with consideration of repurposing boilers.
- Salvaging materials that can be used elsewhere.
- Continuing use of the shooting range, coordinating access with the SCC.

3.6 Fish and Wildlife Species and Their Habitats

Environmental Assets

McNeil, Gertrude, and Pitt Islands contain some of the last remaining, intact natural shoreline environments in the south Puget Sound. The islands provide valuable habitat, which is in part protected by the lack of public access. In totality, McNeil Island contains habitat that is one of the most undisturbed in Puget Sound. The island is sometimes described as a mosaic of habitats and wildlife tied to forests, uplands, and nearshore areas. Significant environmental assets include but are not limited to shoreline, marine, wetland, and estuary habitats; submerged aquatic and riparian vegetation; and species of birds, fish, and mammals. Exhibit 12 shows selected natural features associated with McNeil Island.

Exhibit 12
Map of Selected Natural Features Associated with McNeil Island



Source: Department of Fish and Wildlife, Department of Natural Resources, BERK, 2012

Shoreline Habitat

McNeil Island has approximately 12 to 14 miles of largely unaltered coastline, which is increasingly rare in south Puget Sound.

Marine Habitat

Puget Sound is a high-priority biological diversity area, which is identified at the state and national level for strategic habitat restoration and protection.

Wetland Habitat

McNeil Island uplands include wetland habitat. Wetlands involve transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands generally include swamps, marshes, bogs, and similar areas. These areas support relatively high fish and wildlife density, species diversity, fish and wildlife breeding habitat, and fish and wildlife seasonal ranges.

Estuary Habitat

The McNeil Island shoreline includes estuarine habitat. The approximate number, function, and size have not been delineated. Estuary habitats are deep water tidal habitats and adjacent tidal wetlands, semi-enclosed by land with access to the open ocean, where ocean water is diluted by freshwater runoff. These areas provide high fish and wildlife density, species diversity, breeding habitat, and fish and wildlife seasonal ranges, and movement corridors. Estuaries are limited in availability and are highly vulnerable to habitat alteration.

Submerged Aquatic Vegetation (SAV)

Aquatic vegetation in the saltwater ecosystem of Washington State is composed of salt marsh plants, a wide array of seaweeds, and six species of seagrass. Both native and introduced eelgrasses inhabit soft bottom or sandy flats and are known to occur at McNeil Island. SAV provides important physical and chemical functions. SAV also serves as direct food source for a number of invertebrates and birds. The species and occurrence of SAV have not been characterized for McNeil Island.

Riparian Vegetation

Riparian areas along McNeil Island contribute to the health of the aquatic ecosystems by filtering out pollutants and preventing erosion. Salmon that migrate along the shores of McNeil Island feed off riparian insects. Riparian zones are significant to the ecology and environmental management of McNeil Island because of their role in soil conservation, their habitat biodiversity, and the influence they have on fauna and aquatic ecosystems. The riparian areas of McNeil Island represent one of the few remaining intact riparian areas in the south Puget Sound.

Birds

A number of resident and migratory bird species are associated with McNeil Island. Many landbirds use the upland and forested habitats. In addition, a wide variety of seabirds, shorebirds, and waterfowl use the tidelands and wetland habitats on and around McNeil Island. At least 80 species have been observed, but there are likely more species according to a McNeil Island Environmental Impact Assessment done by the U.S. Fish and Wildlife Service (USFWS) in 1979. There is also a great blue heron rookery (protected by the [Federal Migratory Bird Treaty Act of 1918](#)) and several bald eagle nests (protected by the [Bald and Golden Eagle Protection Act of 1940](#)).

Mammals

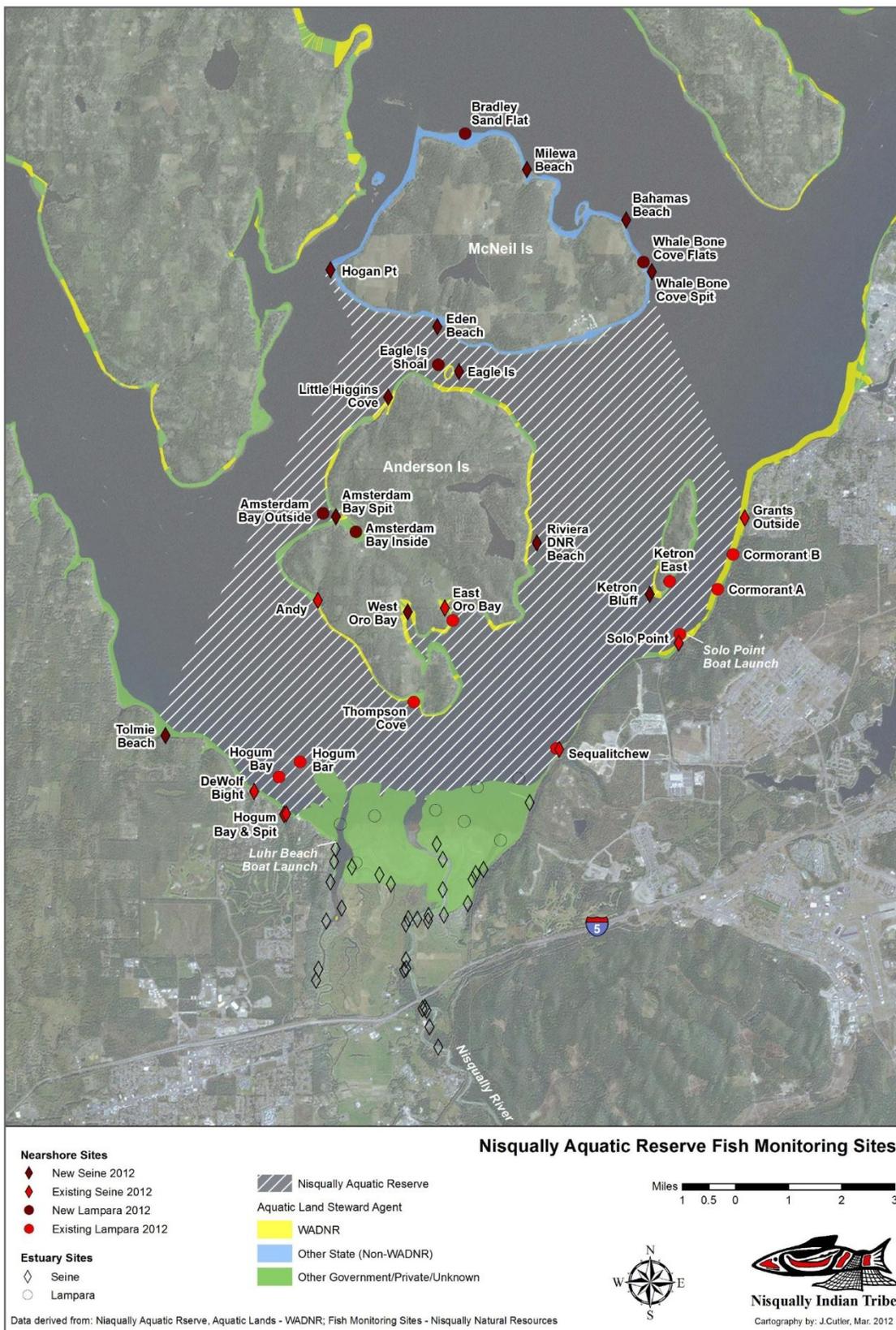
Harbor Seals. Gertrude Island has the largest harbor seal rookery in south Puget Sound. Harbor seals are resident in Still Harbor year round with the highest numbers during the pupping/breeding/molting season from June to December. At present, Still Harbor is the only rookery in south Puget Sound where the harbor seal population is free from human disturbance and boat traffic because of its closed harbor status. Harbor seals are protected under the [Marine Mammal Protection Act](#) (PL 92-522). DFW, in cooperative with the National Oceanic and Atmospheric Administration's National Marine Mammal Laboratory, conducts observations of harbor seals (see [Observations of Harbor Seals in Southern Puget Sound during 2009](#)) and provides live footage of seals via [sealcam](#).

Other Mammals. Observations of other mammals on McNeil Island include a large herd of black-tailed deer, deer mouse, river otter, raccoon, coyote, muskrat, red fox, and mink.

Fish

The tidelands and nearshore habitats of McNeil Island provide important, relatively undisturbed habitat for a variety of fish and shellfish, but limited information is available. Fish monitoring was recently initiated by the Nisqually Indian Tribe and funded by the Washington [DNR Aquatic Reserves Program](#) to gather baseline information (Exhibit 13 shows fish monitoring sites). In 2012, preliminary results from several sites around McNeil Island documented over 20 species of fish as well as various shellfish using the unique and intact tideland and nearshore habitats found there. The island has sections of high quality shoreline habitat that could support forage fish spawning and pocket estuaries that are important for juvenile Chinook salmon along their migratory path.

Exhibit 13
Map of Nisqually Aquatic Reserve Fish Monitoring Sites



Source: DNR, 2012; Nisqually Indian Tribe, 2012

Management of Fish, Wildlife, and Habitats

The fish, wildlife, and habitats located on McNeil, Gertrude, and Pitt Islands are managed by a number of authorities, most notably DFW and DNR. The property is subject to overlapping management plans, studies, and other regulations. This section considers the current uses associated with management of fish and wildlife species and their habitats according to published management plans.

Fish and Wildlife Management (DFW)

DFW manages nearly one million acres of land around the state for fish and wildlife, habitat conservation, and wildlife-related recreation. These lands are divided into Wildlife Area complexes consisting of 32 different wildlife management areas. DFW manages McNeil, Gertrude, and Pitt Islands mostly by enforcing the wildlife restrictions in the quitclaim transfer deed. The wildlife area management plan that includes McNeil Island and agency objectives are described below. DFW updates wildlife management plans annually to evaluate the success of ongoing strategies and identify new issues to address in managing the state's wildlife areas.

[South Puget Sound Wildlife Area Management Plan, 2006](#)

(DFW also publishes [annual updates](#) to management plans)

The South Puget Sound Wildlife Area Complex is made up of multiple parcels of land owned and maintained by DFW, including properties on McNeil Island and surrounding the [Nisqually National Wildlife Refuge](#). The McNeil Island Unit, which includes Gertrude and Pitt Islands, provides relatively undisturbed habitat for many wildlife species because of limited public access. Research on the seals at Gertrude Island has been ongoing since the 1970s studying the contaminant levels in the seals as a barometer of the health of Puget Sound.

The Plan identifies several weed species of concern on McNeil, including tansy ragwort and Canada thistle (controlled using a combination of chemical, mechanical, and biocontrol methods).

Management goals for the South Puget Sound Wildlife Areas are to preserve habitat and species diversity for both fish and wildlife resources; maintain healthy populations of game and non-game species; protect and restore native plant communities; and provide diverse opportunities for the public to encounter, utilize, and appreciate wildlife and wild areas. The Plan contains several management objectives and strategies specific to McNeil Island, including the following:

Agency Objective: Protect, Restore, and Enhance Fish and Wildlife and Their Habitats.

Task 1. Maintain big game populations.

- Strategy: Farmland, meadow, orchard, and forest management to provide forage and cover for deer. (Annual)

Task 4. Manage for species diversity.

- Strategy: Investigate timber-thinning project to enhance even aged tree stands for old growth characteristics on McNeil Island and the Scatter Creek Unit. (October 2006)

Agency Objective: Ensure DFW Activities, Programs, Facilities, and Lands are Consistent with Local, State, and Federal Regulations that Protect and Recover Fish, Wildlife, and Their Habitats.

Task 1. Manage weeds consistent with state and county rules and to protect and recover fish and wildlife and their habitats.

- Strategy: Annually coordinate with DOC and Pierce County Weed Board for tansy ragwort control efforts on McNeil Island Unit. (May 2006)
- Strategy: Release biocontrol insects for tansy ragwort control on McNeil Island and Scatter Creek Units in 2006. (July 2006)

Task 2. Manage species and habitats in compliance with the Endangered Species Act and Washington State fish passage, road management, and forest practice rules.

- Strategy: Monitor and ground survey two existing bald eagle nests on McNeil Island Unit. (*April - July 2006*)
- Strategy: Survey for new bald eagle nest sites on McNeil Island Unit. (*March - April 2006*)
- Strategy: Gertrude Island, part of the McNeil Island Unit, has the largest haul-out site for harbor seals in south Puget Sound. Research on the seals at Gertrude has been ongoing since the 1970s studying the contaminant levels in them as a barometer of the health of Puget Sound. Coordinate and participate in harbor seal captures on McNeil Island Unit – primarily Gertrude Island (not endangered but under Marine Mammal Protection Act). (*Annual 2006*)
- Strategy: Restore nearshore habitat to anadromous and marine fish behind the McNeil Island Unit access road on Milewa Creek Cove. (*Planning 2006*)

Agency Objective: Provide Sound Operational Management of DFW Lands, Facilities, and Access Sites.

Task 5. Assess forest conditions with regard to catastrophic fire, insect, and disease risks.

- Strategy: Fire danger on McNeil Island is a great concern to DOC. Many of the timber stands on McNeil Island are even aged monocultures of Douglas fir. Assess timber-thinning project on McNeil Island to reduce potential fire danger and create forest conditions more suitable to a diversity of species. (*October 2006*)

Task 8. Other Issues or Concerns.

- Strategy: Coordinate with DOC and DSHS to ensure compliance with transfer deed wildlife protection requirements on McNeil Island Unit. (*Annual 2006*)
- Strategy: Participate in biennial DFW, DOC, and DSHS Wildlife Training as per transfer deed requirement of McNeil Island Unit. (*May 2007*)

South Puget Sound Wildlife Area Fish Passage and Diversion Screening Prioritization Inventory, 2003

DFW conducts periodic inventories of fish passage barriers and water diversions on each of the wildlife areas it owns or manages. The inventories and habitat surveys document and prioritize for correction all human-made fish passage barriers and unscreened or inadequately screened diversions to ensure compliance with state laws.

As of this report, all McNeil Island streams of any size have been dammed to create reservoirs for human use and past agricultural activities. Water from three reservoirs along the north shore (Luhr Creek, Floyd Cove, and Bradley Creek) is currently or has historically been pumped through aqueducts to Butterworth Reservoir. Water from Butterworth Reservoir is piped down to Eden Creek Reservoir where a filtration plant purifies and distributes the water to correctional facilities and residential homes on the island. Butterworth Reservoir water is also pumped to the north facility complex. Milewa Creek, also dammed, does not have any pump facilities.

Fish that get into the system do not survive the chemical treatment or successive pump systems. The trout in Butterworth Reservoir are all 12 to 18 inches long and do not enter the pump intake. These trout are planted annually since there is no available spawning habitat to sustain the population. The juveniles of lake reproducing species such as bluegill and bass get into the pump intakes. If made accessible to salmonids, the reservoirs could provide substantial amounts of rearing habitat. The streams flowing into these reservoirs are small and shallow and have mainly sand or silt substrate with very little spawning habitat.

Gertrude Island, off the northeast shore of McNeil Island, provides a haul-out for harbor seals and nesting for great blue herons. Pitt Island lies off the northwest coast of McNeil Island in Pitt Passage. Observed from McNeil Island, neither island is large enough to support any fish bearing streams.

The report further describes fish passage barriers and water diversions at the following Water Resource Inventory Areas (WRIAs):

- Eden Creek – WRIA 15.0093
- Luhr Creek – WRIA 15.0095
- Floyd Cove– WRIA 15.0000
- Bradley Creek – WRIA 15.0093
- Milewa Creek – WRIA 15.0000

The report notes that McNeil Island reservoirs, while potentially providing large amounts of rearing habitat, are limited in spawning habitat. Further investigation is needed to determine the sustainability of fish populations. Flow duration in the potential spawning habitat should also be examined to determine if flows coincide with spawning periods for the species potentially utilizing the streams. The report recommends further project scoping to determine the feasibility of barrier correction, diversion screening, and habitat enhancement projects.

Aquatic Management (DNR)

DNR manages about 2.6 million acres of state-owned aquatic lands. This includes 1,300 miles of tidelands; 6,700 acres of harbor areas; all of the bedlands in tidally influenced areas; and freshwater shorelands and bedlands of navigable water bodies. DNR established the [Aquatic Reserves Program](#) in an effort to promote preservation, restoration, and enhancement of state-owned aquatic lands. The program was created to establish aquatic reserves on selected state-owned lands to help protect important native aquatic ecosystems.

One aquatic reserve borders the southern shore of McNeil Island. The [Nisqually Reach Aquatic Reserve](#) extends from the Nisqually River Delta across Nisqually Reach. The reserve includes all state-owned aquatic lands in these areas, plus state-owned bedlands and beaches surrounding Anderson, Ketron, and Eagle Islands to the shores of McNeil Island. The Nisqually Reach region has been identified as an area important for fish, aquatic mammals, and sea or lake bottom habitats and an area of unique geologic processes. The Nisqually Reach Aquatic Reserve is established as an environmental, scientific, and educational reserve to ensure protection of the unique habitats and species identified in the area and promote sustainable public stewardship of the region.

All or part of the existing dock, ferry landing, and wastewater outfall along the south end of the McNeil Island extend beyond the tidelands into bedlands and therefore are within the Nisqually Reach Aquatic Reserve. Tidelands along the southern shore of McNeil Island form the northern boundary of the reserve. However, DNR's Reserve Management Plan did not include the island's tidelands based on information known at the time of publication of the plan. DNR recently discovered it does have management responsibilities for some of the island's tidelands. DNR is working with the Nisqually Reach Reserve Advisory Committee to recommend a process for amending the Reserve Management Plan to consider including the McNeil Island tidelands. The Nisqually Reach Aquatic Reserve Management Plan is described below.

Nisqually Reach Aquatic Reserve Management Plan, 2011

The Nisqually Reach Aquatic Reserve is located within the southern Puget Sound basin and includes all waterways south of the Tacoma Narrows. The Reserve is characterized by numerous islands, peninsulas, and shallow inlets. Nisqually Reach; McNeil, Anderson, and Ketron Islands; and adjacent marine habitat are identified as a high priority biological diversity area providing reaches of well-preserved shoreline with intact processes and shore forms particularly intermittent bay like habitat areas that provide refuge, feeding, and nursery areas for juvenile salmonids and other marine species.

The tidelands along the southern shore of McNeil Island form the northern boundary of the Aquatic Reserve (4.74 shoreline miles adjacent to the Reserve). Approximately 16 percent of the shoreline of McNeil Island adjacent to the reserve boundaries has been modified from its natural state.

Public tidelands management. DFW manages the majority of the public tidelands along the southern shoreline of McNeil Island and manages tideland parcels adjoining the [Nisqually National Wildlife Refuge](#). DOC managed several tideland parcels directly adjacent to the southeastern most McNeil Island correctional facility parcel.

Maintenance and protection of haul-out sites. One of the goals of the Aquatic Reserve Management Plan is to maintain and protect haul-out sites documented within the Reserve. Examples include the haul-out locations on Eagle Island and the adjacent Wildlife Area on McNeil Island, which is part of the South Puget Sound Wildlife Area. The focus for Gertrude and Pitt Islands is to conserve habitat for the largest harbor seal rookery in south Puget Sound. The remoteness of this unit provides a safe haven for many species because of limited access. These islands also provide habitat for a great blue heron rookery, bald eagle nests, and haul-out sites for marine mammals (especially harbor seals) -- all federally protected species.

Exhibit 14 shows management authority for aquatic lands around McNeil Island. (Exhibit 14 reflects more recently updated information on tideland authority than Exhibit 13, which is included in the report to show fish monitoring sites.)

Exhibit 14
Management Authority for Aquatic Lands Around McNeil Island



Source: Department of Natural Resources, BERK, 2012

New Use Authorizations. DNR has authority to review new use authorizations for all state-owned aquatic lands around McNeil Island. For state-owned aquatic lands directly adjacent to the reserve, DNR refers to guidance provided by the Nisqually Reach Aquatic Reserve Management Plan to ensure that adjacent uses would not be in conflict with reserve management.

The Aquatic Reserve Management Plan provides the following direction for new use authorizations:

- 1) Allow uses within and directly adjacent to the aquatic reserve if the proposed use is consistent with the desired future conditions of the Nisqually Reach Aquatic Reserve, Goals and Objectives, and Management Actions of this plan. All proposals will be subjected to a critical review pursuant to Washington Administrative Code 332-30-151 and DNR will, in consultation with the Implementation Committee, region staff, and other agencies make determinations about the consistency of any proposed uses and will work with proponents when possible.
- 2) For proposed uses on state-owned aquatic lands, project proponents must clearly demonstrate consistency with the desired future conditions, Goals and Objectives, and Management Actions of this plan. Proponents must demonstrate that the proposed use will not result in degradation to the conservation targets listed previously in this plan and will maintain or improve ecosystem goods and services, and biodiversity at the scale of a shoreline process unit and shore form (defined by the Puget Sound Nearshore Ecosystem Restoration Project Technical Report #2009-01).

- 3) DNR will support sustainable recreational activities that are consistent with the Reserve's Goals and Objectives or a specific management action.
- 4) Only allow uses on state-owned aquatic lands within and directly adjacent to the aquatic reserve if the proposed use supports the Goals and Objectives of this plan, including maintaining or improving ecosystem goods and services. Ecosystem goods and services include but are not limited to light penetration; sediment transport; tidal and current regimes; freshwater inputs; water quality; nutrient cycling; turbidity; spawning, rearing, foraging, and refuge habitat.
- 5) For unforeseen, proposed uses where potential impacts to ecosystem processes have not been documented in peer reviewed literature, proponents must review relevant best available science for the type and scale of the use, and associated impacts, presenting their findings to DNR and the Aquatic Reserve Implementation Committee. The Implementation Committee will review all relevant information presented and provide comments and recommendations to DNR on conditions to avoid or minimize degradation from the proposed use.

Other Reports and Management Plans

DNR Aquatic Habitat Assessment, 2012

DNR field staff collected data on McNeil Island for two projects in 2012:

- Comparison of armored and unarmored shorelines (Sea Grant project).
- Intertidal biotic community characterization.

Final analysis of the data will be completed during winter of 2012-2013.

Priority Marine Sites for Conservation in the Puget Sound, 2006

A committee comprised of experts (marine biologists and ecologists from academia, state and federal government, and non-government organizations) recommended the McNeil Island site as the top priority site for the south Puget Sound sub-region. The area supports the major south sound harbor seal aggregation. There already exists a buffer because of restrictions of entry around the prison that includes the intertidal areas of McNeil Island. This site includes Gertrude Island and Eagle Island, which is a marine state park.

Key Peninsula, Gig Harbor, and Islands Watershed Nearshore Salmon Habitat Assessment, 2003

Pentec Environmental prepared a report in 2003 for Pierce County Public Works and Utilities, Environmental Services, Water Programs. The report presents results of a nearshore salmon habitat assessment in western Pierce County. McNeil Island was included in the study as a reference site.

McNeil Island is included in Ecological Management Unit (EMU) 15. The report states that because of its restricted access as a state correctional facility, McNeil Island has experienced virtually none of the residential shoreline development that has occurred throughout much of the study area. The report provides relative scores of the salmon habitat, with EMU 15 having a score well above the overall study area. The report also states the island has a number of opportunities to restore small streams into mini estuaries; however, the specific opportunities were not identified.

Proposal for a National Wildlife Refuge, 1980s, and McNeil Island Environmental Impact Assessment, 1979

In the early 1980s as the federal prison prepared to close, USFWS proposed to establish a National Wildlife Refuge on McNeil Island to be jointly managed with the Washington State Parks and Recreation Commission (PARKS). USFWS classified the island as a Unique Wildlife Ecosystem because of the island's unique natural resource qualities such as the largest seal rookery, bald eagle nest and roosting area, great blue heron rookery, migratory bird habitat, over 10 miles of relatively undisturbed shoreline, and minimal human disturbance of the island.

USFWS's preferred use of the island was to segregate the sensitive wildlife areas for preservation while allowing limited recreational, educational, and scientific uses. The goal was to ensure the natural resources of McNeil Island continued to be protected and enhanced.

In 1979, USFWS prepared an Environmental Impact Assessment (EIA) that described the proposed use areas and provided maps showing the suggested boundaries. The report covered island environment, impacts of proposed land use action, and potential alternatives to the proposed action. The appendix to the EIA identifies preliminary lists of vegetation, birds, and mammals on the island. When the state became interested in use of McNeil Island in the early 1980s, USFWS supported the state and did not pursue its proposal for a National Wildlife Refuge associated with McNeil Island. Because of the state's use of the island, USFWS has not completed an updated comprehensive EIA.

According to a more recent observation of the island by USFWS, there are different tiers of areas that might need protection and possible restoration at McNeil Island in the future. The nearshore is considered to be in relatively good shape, forests might need more active management, and some streams might be restored for greater fish passage. The uplands need more assessment. After meeting cultural and historic requirements, USFWS generally supports removal of unneeded facilities for habitat restoration. Public access at a National Wildlife Refuge must be compatible with the primary purpose of the refuge.

3.7 Land Use

Parcel Inventory

The correctional deed includes 24 parcels that are the responsibility of DOC. A deed amendment allows use of a portion of parcel 1 and all of parcel 17 for a civil commitment facility. Exhibit 15 shows a list of parcels numbered 1 through 24 in the correctional deed with a general description, infrastructure components and other uses, and total acres. The exhibit also shows the total acres for the property covered by the wildlife conservation deed. Property in the wildlife conservation deed is not divided into separate parcels with numbers.

Exhibit 15
McNeil Island Parcels

Parcel Number	Parcel Use and Infrastructure	Acres
1	<ul style="list-style-type: none"> • Main correctional facility complex • Passenger ferry dock • Fire station • Marine boatyard • Wastewater treatment plant • Warehouse 	84.9
2	<ul style="list-style-type: none"> • Anderson Pond • Backup for drinking water 	29.9
3	<ul style="list-style-type: none"> • Generator building • Other structures 	44.8
4	<ul style="list-style-type: none"> • Firing range • Radar tower 	42.6
5	<ul style="list-style-type: none"> • Biosolid application site (byproducts of wastewater treatment) 	126.6
6	<ul style="list-style-type: none"> • Water reservoir 	102.4
7		16.2
8	<ul style="list-style-type: none"> • Structures 	68.2
9	<ul style="list-style-type: none"> • Structures 	11.4
10	<ul style="list-style-type: none"> • Biosolid application site 	71.5
11	<ul style="list-style-type: none"> • Closed landfill 	5.5
12	<ul style="list-style-type: none"> • Biosolid application site 	114.7
13	<ul style="list-style-type: none"> • Orchard 	21.8
14		60.4
15	<ul style="list-style-type: none"> • Biosolid application site 	128.1
16	<ul style="list-style-type: none"> • Recycling • Security and fire protection 	185.1
17	<ul style="list-style-type: none"> • Main SCC complex • Cemetery • Honor farm 	87.4
18	<ul style="list-style-type: none"> • Biosolid application site 	31.8
19	<ul style="list-style-type: none"> • Biosolid application site • Recycling 	7.7
20	<ul style="list-style-type: none"> • Still Harbor 	14.5
21	<ul style="list-style-type: none"> • Gravel pit 	1.9
22		13.3
23	<ul style="list-style-type: none"> • Community center 	9.3
24	<ul style="list-style-type: none"> • Possible security and fire protection 	45.9
DFW Deed	<ul style="list-style-type: none"> • Wildlife conservation • Butterworth Reservoir (drinking water) • Pumping stations 	3,119.6

Source: DOC, DSHS, GA, BERK, 2012

Exhibit 16 shows the location of the 24 numbered parcels in the correctional deed, property in the wildlife conservation deed, and parcels used by DSHS for the SCC on McNeil Island:

Exhibit 16
Correctional Deed Parcels and Parcels Used by DSHS



Source: OFM, BERK, 2012

Correctional Parcels Needed to Support SCC Operations

According to DSHS, the agency is currently using the following ten correctional parcels on McNeil Island to support SCC operations.

- Parcel 1: Dock, fire station, marine boatyard, and wastewater treatment plant.
- Parcel 2: Backup for drinking water.
- Parcel 3: Generator building.
- Parcel 4: Firing range (joint use with DOC) and radar tower. (DSHS needs continued access to the radar tower. However, DSHS’s use of the firing range will continue only as long as DOC maintains the range or remediates the lead contamination issues.)
- Parcel 10: Biosolid application site (byproducts of wastewater treatment).
- Parcel 16: Recycling, security, and fire protection.
- Parcel 17: Special Commitment Center.
- Parcel 18: Security and fire protection.
- Parcel 19: Recycling, security, and fire protection.
- Parcel 21: Gravel pit.

Infrastructure and Facilities

McNeil Island is largely undeveloped and rural. The island’s facilities and infrastructure have revolved around prison operations since 1875. There are 169 facilities on McNeil Island as reported by state agencies for the 2012 [Facilities Inventory System Report](#) (103 facilities reported by DOC and 66 facilities reported by DSHS). A facility is defined as a constructed asset with a permanent roof for the shelter of persons, animals, plants, materials, or equipment.

Facilities in the McNeil Island inventory range from pump stations to the marine shop to prison housing units to the administration building of the SCC. For the 2012 facilities inventory, DSHS and DOC reported facilities required for continued operations of the SCC as transferred from DOC to DSHS. The infrastructure of McNeil Island is similar to that of a small town, with a number of self-sustaining infrastructure systems that make the area habitable to human population.

The last known appraisal of McNeil Island occurred in 1981. Exhibit 17 shows the island’s key facilities and infrastructure.

Exhibit 17
McNeil Island Built Environment: Key Facilities and Infrastructure



Source: BERK, 2012

Correctional Center Complex

The closed MICC main prison complex is on parcel 1. Since DOC left the island, the correctional facility remains in cold closure as noted in Section 3.5 on Current Use of McNeil Island. Exhibit 18 shows the layout of the prison complex with 48 structures in a site plan as of 2006.

**Exhibit 18
McNeil Island Corrections Center Site Plan**



Source: DOC, 2006

Special Commitment Center Complex

The SCC is on parcel 17 and includes the following structures:

- **Total confinement facility.** The total confinement facility opened at its current location at the North Complex on McNeil Island in 2004. Capacity of the main facility is 228 beds for men and four beds for women in a separate, secured portion of one wing. An adjacent building for low management residents added 80 beds in the fall of 2005. Design plans provide for expansion in phases if needed to accommodate a maximum operational capacity of 398 beds.
- **Administrative building.** The SCC administrative building includes staff offices and a visitation area.
- **Recreation building.** A recreation building within the perimeter of the total confinement facility contains a hobby shop, recreation room, gym, and barber shop.
- **Secure community transition facility (SCTF).** The Pierce County SCTF operated in temporary quarters starting in 2001 and moved to its permanent location on McNeil Island in 2003 with a capacity of 24 beds. (The King County SCTF opened later on the mainland with a capacity of six beds.)

Since closure of the correctional facility, DSHS assumed responsibility for daily operations, management, and maintenance of only that infrastructure necessary to support SCC operations on the island. DSHS is not funded to maintain the correctional portion of McNeil Island as it has historically been maintained by DOC. DFW continues with passive management tied to wildlife conservation.

Marine Operations

All vessels to McNeil Island, both passenger and vehicle, depart from a ferry dock located in the town of Steilacoom and leased to DSHS by Pierce County. The passenger vessels tie up at a float dedicated to McNeil Island runs. A small building at the dock operates as a security checkpoint for all passengers traveling to and from McNeil Island. Tugs and barges use the same loading ramps as the Pierce County ferries. The three docks on the island are on state-owned aquatic lands and require use authorizations from DNR.

- DSHS currently maintains the **main ferry dock** on McNeil Island. DSHS now owns and operates three U.S. Coast Guard certified passenger vessels, which transport people to and from McNeil Island on a reduced ferry schedule since closure of the correctional facility.
- A recent DOC capital project rebuilt the **barge dock** with metal pilings for approximately \$2 million. This dock is the only way of getting vehicles on and off the island. The current dock has a useful life of approximately 30 years.
- The **Still Harbor dock** is located on the northeast side of the island near Gertrude Island and is used by passenger vessels during heavy storms. Deed restrictions limit use of this dock to emergency weather situations.
- The island includes a **marine boatyard** that provides the physical capability to do minor and major repairs on all vessels in the McNeil Island fleet, including full overhaul of diesel engines and repair or manufacture of critical components. Staff includes two shipwrights and one marine mechanic (with an additional mechanic soon to be hired). The shop is currently used for DSHS vessel repair by a pilot DSHS juvenile employment program. Prior to closure of the correctional facility, the shop staff of three employees plus 20 offenders completed 90 percent of all the marine work necessary to support the island.

Facilities included within the marine boatyard are a **boat building shop** and an **open air barge bay** (both still in use), as well as an **interior dry dock**. The interior dry dock is currently not being used for ship repair, but can become operational with some capital investments. Maintaining the use permit is critical; once the

permit lapses, it may be difficult for DSHS to get another permit for a new system. The marine boatyard also includes a number of *vessels* and an *auto shop*.

Operation of the three passenger ferry vessels requires the following credentials: (1) U.S. Coast Guard requires a licensed pilot for a passenger ferry and (2) U.S. Department of Homeland Security requires one deckhand qualified to operate and dock the boat.

The tug/barge runs operated by DSHS require one licensed pilot, one senior deckhand, and two assistant deckhands. The fleet includes three tugs and two barges, which complete five round trips a day.

Water and Wastewater

McNeil Island currently has a surface water supply system with water provided by Butterworth Reservoir. Formed as a lake in the mid 1940s, Butterworth Reservoir is the island's primary source of drinking water. The island has a **water treatment plant** to treat surface water, which makes about one million gallons of potable water a day and runs for five to seven hours when an operator is present. The plant is inspected regularly and must meet drinking water quality regulations. DSHS provides daily and monthly reports to the state Department of Health.

The island also has a **wastewater treatment plant** located near the former prison with capacity to serve a population of 4,000 persons. The system is larger than necessary for current SCC use and, as a result of sub-optimal flow, is difficult to operate. Operation of these systems requires several certified water and wastewater treatment operators.

Designs for the water storage system, water distribution system, and wastewater collection system anticipated service for a population much larger than the SCC. Closure of the correctional facility means the systems are not sized for the demand and may require capital investments to right-size them for the current population. According to Pierce County Public Works, the water and wastewater treatment facilities are both antiquated to the point that the county would not be willing to offer contract services to operate these systems without some upgrades.

Electrical Supply

DSHS purchases power from Tacoma Power, routinely maintains the system through in-house staff, and contracts with Potelco Electrical Contracting Company for large repairs. Around 2005, DOC installed a new 15 kV three-phase armored power cable with embedded fiber optic strands, which crosses under Puget Sound from Steilacoom to the island. The fiber optic component of the cable provides an internet connection. There are also three co-located diesel powered generators at the SCC capable of operating the total confinement facility; the SCTF has its own stand-alone generator. There are also three smaller emergency generators to provide emergency power at critical locations at the water treatment plant, wastewater plant headworks, and Butterworth dam pump station.

Fire Protection

The island's fire station is located near the former correctional facility and includes indoor vehicle parking, hose drying, operations command (office space), and living quarters. There are two ambulances, one brush truck, one ladder truck, and one tanker truck available for fire department operations. There is also a helipad for emergency use.

The staffing requirement for the fire department on McNeil Island is 24/7. The DSHS fire department consists of three captains and approximately 45 security guards cross-trained for fire protection. The fire department also has two employees who perform underwater diving activities. DSHS has intergovernmental agreements with Anderson Island and Steilacoom Fire Departments to assist each other as needed.

Fuel

McNeil Island has four above-ground diesel storage tanks, also known as a **tank farm**, located near the main correctional facility. A vendor delivers fuel to the island by truck on one of the barges. The fuel is then transferred to the tanks and boilers for use.

The island also has a fuel line from the ferry dock to the tank farm for refueling the tanks by barge, but the line was shut down several years ago as a cost-saving measure. The line can be reopened and used if necessary.

Road Network

There are paved and unpaved roadways on McNeil Island, all in varying condition. DSHS classifies roads into three categories (A being the highest level of maintenance and C the lowest):

- “A” roads are roads from the barge slip and main dock to the SCC facilities. This is the primary connection that brings in necessary staff and supplies to the SCC.
- “B” roads are coastal roads, which are necessary for monitoring activities and used for island patrol.
- “C” roads are all of the connecting roads throughout the island, which are needed for fire suppression. Some of these are not being maintained.

Additionally, the south coastal road is vulnerable to failure from storms originating from the south that may necessitate having to move the road inland or abandon it entirely at some point. In 2008-2009, a consulting firm under contract to DOC completed conceptual engineering plans to relocate this vulnerable portion of the south coastal road.

Other

- **Various structures** are sparsely scattered throughout McNeil Island, including over 50 former homes. Since closure of the correctional facility in 2011, these structures have been boarded up and are not currently in use. Structures include:
 - Warden’s house,
 - Staff houses located in different parts of the island,
 - Community center, and
 - Various barns, sheds, and agricultural buildings around the island.
- A **firing range** on the island is still in use by DOC, as well as other governmental agencies for training and joint exercises. DOC manages access and use in coordination with DSHS. If use of the range is discontinued, ECY will require cleanup of the range. Potential lead contamination from spent artillery is the primary concern.
- A **fiber-optic cable** embedded in the power cable under the waters of Puget Sound provides the island with internet connection.
- DSHS identified \$7.7 million of **infrastructure modifications** as part of its capital budget request for the 2013-15 biennium. The proposed project modifies and/or repairs existing infrastructure systems on McNeil Island to allow the SCC to operate independent of the vacated prison facilities. The project includes \$2.85 million for marine structures; \$2.1 million for the water distribution system; \$700,000 for the water treatment system; \$500,000 for the water storage system; \$450,000 for the sewer collection system; and \$1.1 million for the electrical system.

Additional information about the SCC and some of the services supporting its operation on McNeil Island is available in the report by Criminal Justice Planning Services on [Evaluation of Cost-Effective Provision of Services for the Special Commitment Center McNeil Island](#) (October 28, 2011).

Zoning, Regulatory, and Other Requirements

Zoning

McNeil Island is currently zoned R40 (Rural Forty) by Pierce County with a State Corrections Overlay on the former prison complex and the SCC. R40 is a general zoning code that indicates rural or agricultural use.

Shoreline Master Program

Pierce County is updating its Pierce County Shoreline Master Program. As of August 2012, the proposed Pierce County program designates McNeil Island's marine shoreline as primarily Natural and Conservancy, with a small portion near the former correctional facility (by the dock) designated as High Intensity. The Natural designation requires a buffer of at least 150 feet for any regulated activity, while the Conservancy designation requires at least 100 feet. High Intensity requires only 75 feet.

The proposed Shoreline Master Program provides a range of use restrictions on the Natural, Conservancy, and High Intensity designations within 200 feet of the shoreline (excluding the assigned buffers mentioned above, where virtually no use is allowed). These restrictions include:

- For recreational use, Natural and Conservancy designations allow water-oriented recreational development, although with some provisions and conditional permitting for certain recreational activities. High Intensity allows both water-oriented and non water-oriented activities, with some provisions and conditional permitting as well.
- For restoration and enhancement, virtually all activity is allowed for all designations.
- For residential development, the Natural designation allows single-family dwelling, accessory uses, and land division, but they are subject to conditional use permit provisions. Other residential development is not allowed. The Conservancy designation allows all types of residential development except mixed-use, but most categories are subject to conditional use permit provisions. High Intensity allows virtually no residential development.

Regulatory and Other Requirements

Exhibit 19 is a list of regulatory and other requirements for McNeil Island at the federal, state, county, and municipality level.

**Exhibit 19
McNeil Island Regulatory and Other Requirements**

Agency	Function
Federal	
United States Coast Guard (USCG)*	<ul style="list-style-type: none"> • Inspects marine vessels annually and at every dry dock. • Ensures quarterly drills and biannual exercises are conducted as required. • Audits and inspects facility and vessel security plans annually for compliance with Homeland Security requirements. • Ensures vessels are operated in accordance with USCG regulations. • Ensures a “Facility Security Officer”, a “Company Security Officer”, and a “Vessel Security Officer” are designated and trained in accordance with USCG regulations. • Ensures training is provided to all staff in Marine Security (MARSEC) and vessel safety/security.
National Response Center	<ul style="list-style-type: none"> • Serves as the federal government’s national communications center for reporting emergencies such as oil spills, security breaches, Transportation Security Incidents. This is manned 24/7 by the USCG.
Transportation Security Administration	<ul style="list-style-type: none"> • Under the Department of Homeland Security, the agency is responsible for security in all modes of transportation.
Environmental Protection Agency (EPA)*	<ul style="list-style-type: none"> • Inspects tank farm and other aboveground storage tanks plus fueling operations every five years. • Ensures that spill prevention and spill response plans are maintained as required.
U.S. General Services Administration (GSA)*	<ul style="list-style-type: none"> • GSA (deed holder) inspects McNeil Island every five years for compliance with deed requirements. • Requires training every other year to all staff on the deed requirements.
Federal Communications Commission (FCC)*	<ul style="list-style-type: none"> • Approves radio licenses.
U.S. Navy	<ul style="list-style-type: none"> • Ensures the SCC is complying with requirements for the sounding range.
National Oceanic Atmospheric Association	<ul style="list-style-type: none"> • Maps shoreline and outlines oil spills.
National Response Center	<ul style="list-style-type: none"> • Must be notified in the event of a hazardous material spill.
U.S. Army Corps of Engineers (USACE)	<ul style="list-style-type: none"> • Often involved with project permitting.
U.S. Fish and Wildlife Service (USFWS)	<ul style="list-style-type: none"> • Reviews and approves deed changes as the sponsoring federal agency under Public Benefit Conveyances for wildlife conservation. • Participates in site visits or proposal reviews as needed in coordination with GSA.

Agency	Function
State	
Department of Ecology (ECY)*	<ul style="list-style-type: none"> • Every three years, inspects hazardous waste accumulation and storage areas plus hazardous waste designation, reporting, and disposal documentation. • Inspects SCC’s boatyard and vessel maintenance practices for compliance with the Marine Department’s Storm water Pollution Prevention Plan (SWPPP). • Requires storm water testing of the boatyard five times per year to ensure compliance with regulations. • Ensures compliance with the vessel “in-water” operations. • Ensures the boatyard operates in compliance with ECY regulations for boatyards. • Inspects vessel fueling operations for compliance with Class 4 facility regulations. • Inspects the wastewater and water treatment plants every five years for compliance with their National Pollution Detection and Elimination System (NPDES) discharge permits. • Renews the wastewater treatment plant’s lab accreditation every three years. • Inspects dams. • Ensures compliance with water rights. • Visits the island in the event of a fuel or hazardous material spill.
Department of Health (DOH)*	<ul style="list-style-type: none"> • Inspects the facility for health, environmental, or safety concerns annually.
DOH – Office of Drinking Water *	<ul style="list-style-type: none"> • Inspects the water treatment plant.
DOH – Office of Shellfish and Water Protection	<ul style="list-style-type: none"> • Visits the island in the event of a sewage spill.
Department of Fish and Wildlife (DFW)	<ul style="list-style-type: none"> • Inspects for compliance with deed requirements. (DFW controls approximately 2/3 of the island, including all wildlife and timber).
Department of Natural Resources (DNR)*	<ul style="list-style-type: none"> • Forest fire protection, geoduck fishery management, aquatic land management, research, and manages use authorizations for state-owned aquatic lands.
Department of Labor and Industries (L&I)*	<ul style="list-style-type: none"> • Inspects SCC’s boilers, hot water tanks, and all pressure vessels regularly, institution-wide. • Inspects elevators. Inspects shipyards and docks. • Investigates complaints.
Department of Archaeology and Historic Preservation (DAHP)	<ul style="list-style-type: none"> • Responds to requests for consultations from federal agencies in collaboration with tribes under Section 106 of the National Historic Preservation Act (i.e., U.S. Army Corps of Engineers’ permits, EPA cleanups, etc.).

	<ul style="list-style-type: none"> • Responds to requests for consultations from state agencies in collaboration with tribes under Executive Order 05-05 for capital budget projects and potentially under the State Environmental Policy Act for projects that might require Pierce County authorization or permits. • Reviews permit applications and approves permits for work performed at island archaeological sites or cemetery/burial sites.
Washington Military Department/Division of Emergency Management	<ul style="list-style-type: none"> • Must be notified in the event of a hazardous material spill.
Department of Social and Health Services (DSHS)* Division of EMS and Trauma	<ul style="list-style-type: none"> • Inspects ambulances and ensures fire inspections and reviews construction plans and permitting.
State Patrol	<ul style="list-style-type: none"> • Responds with Bomb Squad.

Agency	Function
County	
Tacoma-Pierce County Health Department (TPCHD)*	<ul style="list-style-type: none"> • Inspects the island’s biosolid application sites. • Monitors the closed landfill biannually, reviewing gas and water sampling data.
Pierce County Noxious Weed Control Board*	<ul style="list-style-type: none"> • Inspects the island for control of noxious weeds (tansy, scotch broom, etc.).
Puget Sound Clean Air Agency (PSCAA)*	<ul style="list-style-type: none"> • Inspects boilers (SCC), spray booths, and dust collections systems annually. • Inspects generators.
Pierce County Fire Marshal*	<ul style="list-style-type: none"> • Inspects all buildings annually. Conducts pre-construction plan/permit review. Investigates fires.
Pierce County Emergency Medical Services (EMS) Council*	<ul style="list-style-type: none"> • Inspects ambulances and ensures fire staff persons are compliant with county protocol requirements.
Pierce County Public Works	<ul style="list-style-type: none"> • Pierce County leases the ferry slip/dock to DSHS and maintains mutual aid agreements for emergency response with DSHS/SCC.
Pierce County Planning and Land Services	<ul style="list-style-type: none"> • Reviews and approves shoreline permits.
Pierce County Sheriff	<ul style="list-style-type: none"> • Responds to incidents.
Municipality	
Town of Steilacoom	<ul style="list-style-type: none"> • Maintains mutual aid agreements with SCC for emergency services. • Issues certification for fire truck engine pumps.

**Indicates agencies or entities that visit the island on a regular basis.*

Source: Department of Social and Health Services, 2011

3.8 Environmental Status

Previous Remediation Work

According to DOC, a group of offenders voiced concerns in 1984 about environmental contamination from industrial activities on McNeil Island. The state Department of Ecology (ECY) issued an enforcement order in 1986 and DOC subsequently performed remediation work. The following sites were of concern:

- Diesel yard in the center of the island,
- Fire depot/marine yard,
- Creosote dip tank located near Still Harbor,
- Hyde Point landfill (in operation from approximately 1945 to 1980), and
- Landfill on the southwest region of the island (in operation from 1970 to 1989).

ECY ordered DOC to develop and submit a plan to address the potential for groundwater contamination. DOC completed remediation work in 1991. ECY's Southwest Region Toxics Cleanup Program performs routine five-year reviews of cleanups specific to the diesel yard, fire depot, and dip tank along with quality of groundwater in the diesel yard area. In February 2011, ECY issued a periodic review that concluded additional cleanup is required at the diesel yard. The next review is scheduled for 2016.

Closed Landfills

ECY's reviews do not cover landfills. The Tacoma-Pierce County Health Department manages landfills on McNeil Island. The 1999 Key Peninsula-Gig Harbor-Islands Watershed Plan describes two of the old landfills on the island:

- Landfill #1 is located in a ravine along the northeastern corner of the island and was used until 1970. This landfill was operated as an open-face dump over a bluff and accepted wastes such as solvents, paints, oils, and garbage. The report mentions the Tacoma-Pierce County Health Department does not anticipate problems from this landfill.
- Landfill #2 is located in the southwestern part of the island in a narrow gully that extends down to Puget Sound. This landfill operated from 1970 to 1989. Wastes disposed of at Landfill #2 include general household and prison garbage, industrial wood, metal waste, oil filters, and soiled rags. Significant quantities of leachate had been documented to be seeping into the groundwater and then discharging into the waters of Puget Sound. The landfill was closed in 1991 and a landfill cap installed together with improved storm water run-off controls. These measures were anticipated to significantly reduce the amount of leachate produced and the amount entering Puget Sound.

Current Issues

According to ECY's Toxics Cleanup Program, there are four primary environmental issues outstanding on McNeil Island:

- **Diesel spill area within the prison.** In October 2002, a spill happened in the area around the backup generator and tank farm with the majority of contaminated soil remediated. However, there is still soil and groundwater contamination that requires further characterization and cleanup. This diesel spill area is listed on the State Hazardous Sites List with a ranking of 5. Sites on the list are ranked with respect to one another; rankings range from 1 to 5, with 1 being the highest priority to pursue cleanup.

DOC generated a Cleanup Completion Plan in September 2003. According to ECY, a short-term need is to characterize the extent of any residual contamination in soil and groundwater. Once completed, ECY can determine cleanup needs and time frame. The presence of this site on the Hazardous Sites List means it is an outstanding environmental liability for the state.

- **Diesel yard contamination.** This area was used for storing transformers, storing other chemical wastes, and repairing diesel motors. Polychlorinated biphenyl (PCB) contaminated soil from another area, the fire depot, was also consolidated and capped in the diesel yard. The fire depot was located near the main prison facility and supported a wide variety of uses including automotive maintenance; storage of furniture refinishing chemical products and wastes, transformers, chemical and structural materials; and as a base for the island fire department.

A consultant completed a Post Closure Plan in October 1992, which details the maintenance and monitoring requirements for the capped area. The plan is 20 years old and ECY indicates the plan may need to be modified based on existing conditions. Engineered/institutional controls for the capped area, including requirements for long-term monitoring of the groundwater and maintenance of the cap, were to be documented and managed under a Restrictive Covenant. This diesel yard site was given a No Further Action status and removed from the State Hazardous Sites List in 1993.

However, a recent review by ECY determined a Restrictive Covenant (now known as an Environmental Covenant) was never filed with Pierce County as required as a condition of the No Further Action status. This action, including continued implementation of monitoring and maintenance, still needs to occur. A short-term need is to draft a covenant and file it with the county. A longer term need is to monitor and maintain the cap.

- **Tank decommissioning.** Tank removal occurred in three areas on McNeil Island. Underground storage tanks were successfully removed from the shop area, backup generator area, and Still Harbor. However, ECY decommissioning reports reflect there may still be contamination beneath the pump island in the shop area because the presence of utilities (main power line and telephone lines to the prison complex) precluded further excavation. Resolution of this area could likely be done by placing an Environmental Covenant on the area where the contamination is present.
- **Firing range.** The firing range has lead contamination in the soil and potentially in the groundwater. While the range remains in active use by DOC, there is no need for remediation activities. However, ECY would request remediation if the range is abandoned or upgraded.

Ongoing environmental cleanup efforts occurred under state ownership. The process associated with closure of the correctional facility is ongoing, although nearly complete. ECY will review proper disposal of transformers and other hazardous waste with verification by DOC.

3.9 Public Safety

The central purpose of the Community Protection Act of 1990 ([RCW 71.09](#)), which established the [SCC program](#), is public safety. The SCC's [2009-2013 Strategic Plan](#) identifies three main purposes of the Act:

- Protect the public from dangerous, predatory sex offenders who have a mental abnormality or personality disorder that makes them more likely than not to re-offend without treatment in a secure facility.
- Provide care, control of, and treatment to these individuals in a total confinement facility.
- Provide residential, community transition, and continued treatment services to civilly committed residents whom the courts have determined to have made sufficient progress in treatment and who can be safely managed in the community under conditional release.

As noted previously, the SCC has been designed and constructed specifically for its resident population to provide maximum public safety and ease of management within the perimeter of the property on McNeil Island. In addition, DSHS maintains control of all access points to the island and patrols the coastal road to secure the island from unauthorized visitors. While the isolation of an island increases security for the SCC, this is not the only way for the state to maintain public safety.

Even though public access to the island is severely restricted, DSHS employs a wide range of security measures to ensure the public is protected from residents at the facility. The nature of the population at the SCC requires that security measures are particularly stringent and rigorous. According to DSHS, security measures at the total confinement facility include:

- Total confinement, with the same measures used to secure the perimeter that are employed in maximum security prisons. There is also a computerized electronic security system with nearly 300 cameras that provides continual surveillance of all areas of the facility. The system is tamper-proof and was designed to meet the specific security needs of the SCC.
- Intensive staff training, with specific training designed for the challenges and responsibilities associated with working at the SCC. The training is designed with the sole purpose of increasing safety and survival for all staff, visitors, and residents.
- Intensive staffing, including the facility's standard staffing model and a special security team with over 80 members that provides day and night security throughout the facility. Security team members receive advanced training in the latest security methods from certified instructors from the Washington State Criminal Justice Training Commission. Security staff persons also receive the best equipment available to law enforcement.

Security measures at the secure community transition facility include intensive staff training and staffing ratios, designation of escape as a Class A Felony, close supervision and escorts, individual electronic monitoring devices, court-ordered conditional release, and various other measures.

3.10 Historic and Archaeological Resources

Introduction

McNeil Island has a complex history that includes pre- and post-contact use by native tribes, a period of pioneer settlement, and use as a federal penitentiary and state correctional facility. To many people, the island is considered an important historic and cultural site. However, much of the data on the island dates from the 1980s as ownership shifted from the federal government to the state. Both short and long-range planning for the island could benefit from updated and more comprehensive data on historic and archaeological resources according to some interested parties.

In association with its role as the State Historic Preservation Office (SHPO), federal and state agencies engage the Washington State Department of Archaeology and Historic Preservation (DAHP) to comment on projects under Section 106 of the National Historic Preservation Act, [State Environmental Policy Act](#) (SEPA), and Governor's [Executive Order 05-05](#). As a result of these contacts over the decades, there is growing awareness of McNeil Island as having not only archaeological significance, but possible significance for the surviving buildings, structures, and landscapes. According to DAHP, the entire island may be eligible for the [National Register of Historic Places](#) for its archaeological resources and as a historic district.

Many of the potentially historic structures on McNeil Island currently sit idle. There is some concern that a lengthy long-range planning process could jeopardize these properties through erosion and benign neglect. The Washington Trust for Historic Preservation currently has McNeil Island on its watch list of threatened historic properties. This section considers separately McNeil Island's historic built environment features and its archaeological features.

Built Environment

There are currently no places on McNeil Island designated as historic per the National Register of Historic Places, although several are considered eligible. DAHP cataloged Historic Property Inventory Forms and Pierce County Community Cultural Resource Surveys on the following McNeil Island properties:

- **Federal Penitentiary:** 1907 cell block.
- **Warden's House:** a French Renaissance mansion constructed in 1932.
- **Ward House:** original settler home constructed circa 1890.
- **House near Eden Creek:** a two story wood frame cottage.
- **Luhr House:** built in 1910 and near a salmon run; site of bootlegging operations and close to several island escape attempts.
- **Julin House (and Gertrude Post Office):** originally settled in 1882, with the Julin House constructed circa 1887; Post Office opened in 1896 and closed in 1936 when it became the store for prison staff. (According to DAHP, demolition of the Gertrude Post Office occurred several years ago.)
- **Edwin Holm Grave Site:** grave site for the infant son of early McNeil Island settlers that is marked by four madrona trees.

Historic Integrity

The National Register of Historic Places defines historic integrity as "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period." Seven qualities make up historic integrity: location, design, setting, materials, workmanship, feeling, and association. Retaining these qualities is key to properties considered to be National Register Historic Places.

- **Hillcrest Cemetery:** established in 1936; numbered graves are of original settlers, while the names are of prisoners.
- **McNeil Island Cemetery:** established in 1905, but closed in 1936; all remains were reported to have been exhumed and reburied in cemeteries on or off the island; main cemetery moved to Hillcrest Cemetery after 1936.
- **Eden Creek Dam:** constructed in 1936 and served as a water supply reservoir in conjunction with the Butterworth Reservoir.

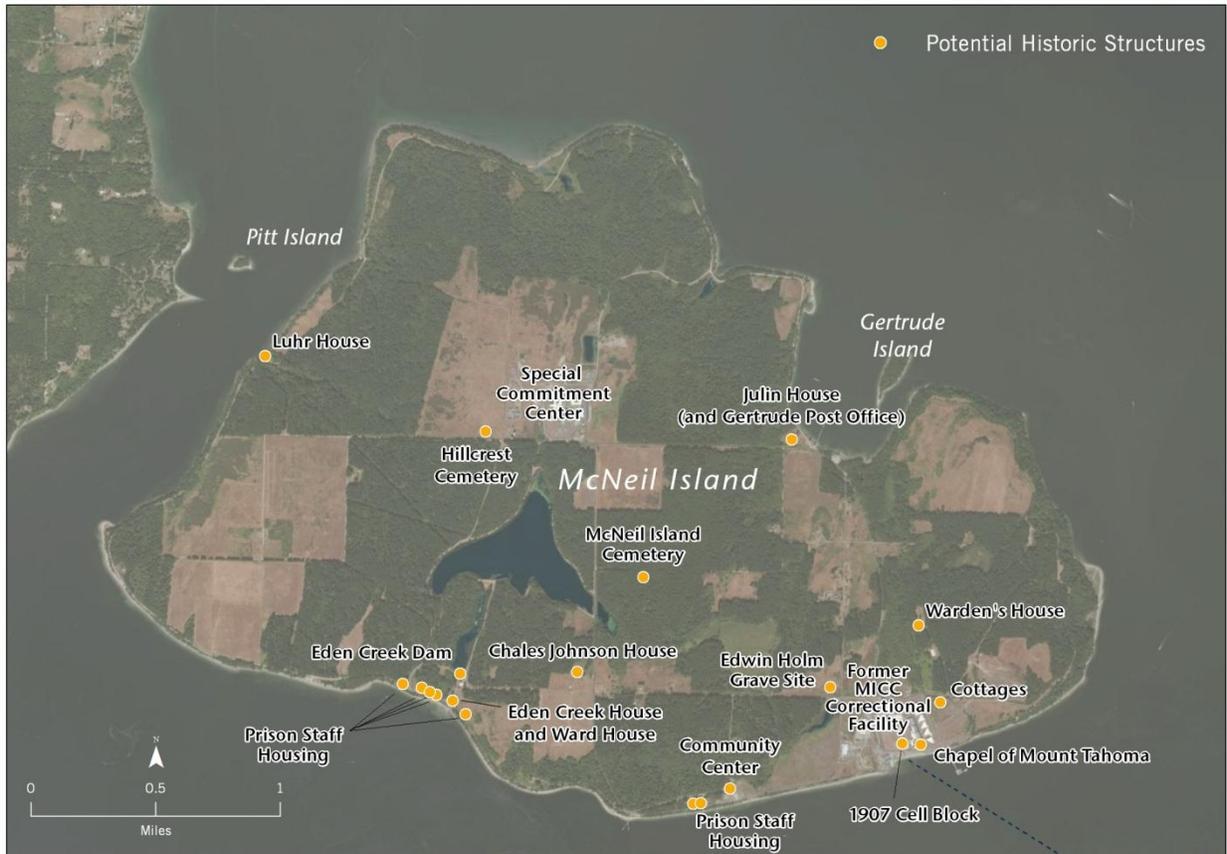
Interested parties also mentioned the following structures as potential cultural or historic resources on McNeil Island:

- **Community Center:** constructed between 1949 and 1952 and included most island community facilities, such as chapel, school, gym, bowling alley, movie theater, tennis courts, playground, and swimming and wading pools.
- **Chapel of Mount Tahoma:** Brutalist chapel that was constructed by prison labor. The chapel was designed by Spokane architect Moritz Kundig and received first prize from the U.S. Bureau of Prisons (1962) and a Merit Award from the Spokane Chapter of the American Institute of Architects (1966). The design was also featured in the November 1962 edition of Pacific Architect & Builder.
- **Charles Johnson House:** house mentioned as the original island brothel during the time of the early settlers.
- **Prison Staff Housing:** some of the former prison staff housing (100 series), which is still on the island along the South Coast Road.
- **Cottages:** some of the bungalows built near the former prison for prison staff housing (500 series).

Exhibit 20 shows properties catalogued on historic inventory forms by DAHP and other structures mentioned as potentially historic by interested parties.

Exhibit 20

Map of Properties Catalogued on Historic Inventory Forms and Mentioned as Potentially Historic



Source: DAHP, BERK, 2012

The University of Washington completed the most recent comprehensive survey of historic built environment resources as part of a 1981 report titled *A Cultural Resources Survey Reconnaissance and Assessment of McNeil Island, Pierce County, Washington*. The report listed 40 items in the historic assessment section, which represented a compilation of all structures examined. Construction of most of the buildings occurred between 1900 and 1965. Some have lost their historic integrity through either neglect or incompatible alterations.

The report stated the assessed historic resources (existing structures and historic remains of activities on McNeil Island) did not appear to meet National Register criteria. The assessment noted over two-thirds of the buildings directly associated with prison construction programs were built within the last 50 years and did not qualify for National Register status. In 1981, the SHPO concurred and there was no request submitted to determine eligibility for listing on the National Register of Historic Places. A revised inventory of historic structures could serve to evaluate the relative historical and architectural significance of each structure to help determine priorities for potential preservation, if any.

Archaeological Resources

The University of Washington also completed the most recent comprehensive archaeological survey of McNeil Island, which is documented in the same report in 1981. The report identified 17 archaeological sites and uncovered cultural remains. Also in 1981, the SHPO and the U.S. Secretary of the Interior determined McNeil Island eligible for listing on the National Register of Historic Places as an archaeological district; however, the island has not been formally listed. The request to determine the island's eligibility states that "because McNeil Island is without major coastline development, there is a unique opportunity to obtain

significant archaeological information which, in other places, generally has been destroyed by historic activities.” Actual listing entails completion of a National Register nomination, submittal to the SHPO for review and recommendation, review by the Keeper of the National Register, publication in the Federal Register for public comments, and final entry in the National Register after all reviews.

Since 1981, there has not been an additional archaeological inventory across the island. Small archaeological surveys have been conducted for specific construction projects. An assessment released in 1989 relocated previously identified sites from the 1981 survey and found two additional sites. Assessments conducted in 2007, 2006, and 2004 found no cultural resources.

3.11 Potential Recreational Opportunities

Recreational Opportunities

McNeil Island’s natural beauty, location in south Puget Sound close to major population centers, and relatively undeveloped landscape may create an opportunity for public recreation. There are more than 100 state parks in Washington that offer diverse recreation and educational opportunities to the public. State parks provide a spectrum of recreational facilities and amenities in some of the state’s highest quality natural and historical settings. Examples of recreation facilities and amenities that might be suited to McNeil Island include:

- Primitive or full-service campgrounds.
- Indoor overnight accommodations ranging from cabins and yurts to full-service lodges and retreat centers.
- Day use areas for picnicking, group gatherings, outdoor performances, festivals, and special events.
- Multipurpose hiking, cycling, and equestrian trails.
- Repurposed residences for overnight and extended public vacation rentals.
- Adaptation of correctional facilities to host interpretative centers, museums, performance venues, conference and educational facilities, and supporting amenities such as food service.
- Marine facilities including marine trail campsites, moorage floats and buoys for boats, and boat launches. There are 23 marine state parks in south Puget Sound and siting boating facilities at McNeil Island could tie into this system.

None of these recreation sites and activities currently exists on the island. State capital investments to establish these facilities would vary considerably depending on their extent and sophistication. According to PARKS, potential also exists to secure private investment in recreational facilities and amenities that are expected to achieve a sufficient financial return.

1980 “McNeil Island – State Plan for Utilization”

In 1979 following the U.S. Bureau of Prisons’ decision to close the federal prison facility, Washington Governor Dixie Lee Ray directed GA to coordinate state agency requests for acquiring McNeil Island and to submit an application for acquisition of the island on behalf of the state to the federal government. After meeting for seven months, a task force comprised of nine state agencies determined that the most beneficial use programs for the island would be in the areas of recreation, research, and wildlife protection and management. USFWS served the task force in an advisory capacity.

The task force developed the following three alternative utilization plans for consideration:

- **Recommended Plan/Alternative One (Game/Parks Recommended Plan):** Joint, cooperative, planned recreation usage, and wildlife preservation opportunities. Game (now DFW) would own and manage the northern two-thirds of the island with the most wildlife sensitive areas. PARKS would own and develop the southern third for public recreation purposes in a less wildlife sensitive area of the island.
- **Alternative Two (Game Plan):** Game/wildlife sanctuary with modest recreation use. This option suggested turning McNeil Island into an almost exclusive game/wildlife sanctuary, while allowing only a minimal area for recreational activity (limited to the main prison complex and the area in close proximity).
- **Alternative Three (State Parks Plan):** Primary recreation usage on the island fully owned and operated by PARKS with an opportunity to convert McNeil into a “public-use” island with unlimited recreation potential. Because the primary objective of this alternative was to provide recreational development, it was least desirable because of the potential of significant impact to the island’s wildlife and natural environment.

In October 1980, Governor Ray announced submission of this State Plan for Utilization of McNeil Island to the federal government. Governor John Spellman took office in 1981 and determined the best use of the island was to open a state prison facility and establish a wildlife conservation area. The state began leasing the island and prison from the federal government in 1981.

4.0 CONSULTATION WITH INTERESTED PARTIES

The proviso supported broad consultation with interested parties including:

- Federal agencies with relevant responsibilities,
- Tribal governments,
- State agencies,
- Local governments and communities in the area, and
- Interested private organizations and individuals.

Attachment A is a list of interested parties invited to participate in meetings or open houses about the future of McNeil Island.

Consultation Approach

The project team collected information and ideas from numerous interested parties to understand the scope of planning necessary for a long-range planning process. Generally, the approach used for this report did not require official positions of agencies, organizations, or other parties. The recommended long-range planning process includes a more formal outreach and engagement process to inform future decisions about McNeil Island. The consultation approach for this report focused on two objectives:

- **Address the information needs identified in the proviso.** The proviso identified eight topics to research and document. Gathering and analyzing the information required expertise, data, and support primarily from governmental organizations with connections to McNeil Island.
- **Identify any other interests or ideas related to the future of McNeil Island.** In addition to seeking technical information, the project team contacted and sought input from others with an interest in McNeil Island. The project team started a list of interested parties based on the proviso, updated the list with suggestions from many sources, and contacted known interested parties. The Washington State Office of Financial Management (OFM) created a web site with basic information about the project and responded to inquiries.

The consultation process took place from August through mid-October 2012. Multiple modes of engagement included:

- **Interviews.** The project team conducted interviews with over 25 interested parties, often including more than one representative. Interviews were conducted both in person and over the phone. The project team developed individual interview protocols based on an interviewee's area of expertise or known interest in McNeil Island.
- **Open Houses.** OFM hosted two public open houses to present an overview of the project to prepare this report, answer questions about the project, and gather input about the future of the island. The open houses allowed almost 70 participants to learn about the report and share comments in multiple ways.
- **Public Comment Email.** OFM set up an email address for individuals to submit public comments. In addition to the general email address, OFM received public comments directly. All public comments received in writing from over 50 people by October 15, 2012, are included in this report. Any errors or omissions are inadvertent.

Summary of Comments Received

The project team designed the consultation process to identify ideas and issues related to the future of McNeil Island. Comments received are organized in three categories:

1. Ideas for McNeil Island's future,
2. Ideas for a future long-range planning process about McNeil Island, and
3. Interest in involvement in a long-range planning process if approved in the future.

Themes within each category are based on a "per comment" basis. Some interested parties submitted comments through various channels (open house comments, email, in-person interviews) and may be represented across multiple comments. Attachment B compiles specific comments submitted via e-mail or on comment forms.

Comments are summarized using a non-scientific approach to identify themes. Themes are based on the concepts found in the comments and are presented in descending order of frequency.

1. Ideas for McNeil Island's future

- **Recreation, tourism, or group use.** The most common theme for the future of McNeil Island is recreation, tourism, or group use. Some comments suggest rustic recreational uses such as a state park or camp facility; others suggest more intensive use such as a "Fort Worden" approach in which facilities are used for conferences, museums, interpretive centers, and educational programs that are supported with overnight or extended stay lodging. Tourism or group use suggestions include conference event space, educational facility, ecotourism facility, or resort. The comments also identify options for attracting private or tribal investment to make the necessary improvements to accommodate tourism, recreational, or group use. A few comments suggest making at least part of the island available for use as a Boy Scout, Girl Scout, or other youth camp.
- **Wildlife or ecological preservation with public access.** The second most common theme is a preference for future uses of McNeil Island that are compatible with wildlife preservation, open space, and other conservation-oriented uses. Most of these comments also state preferences for limited public access such as water trails, bird watching, tent camping, or other light use. Some of the comments state a preference for a National Wildlife Refuge on the island.
- **Correctional or group facility.** Several comments suggest re-using the correctional facility as a prison and one comment suggests using the prison facility as a non-correctional, group facility such as a drug-treatment or job fair facility. A few comments that express a preference for using McNeil Island as a prison think it is cost-effective because it makes use of the existing facilities and may address a future capacity need.
- **Archaeological and historical considerations.** Some comments express interest in preserving the cultural resources on the island including the built environment and archaeological resources. Comments state that use of the structures is necessary for their preservation and that historic structures should be maintained. One comment expressed preference for removing unneeded facilities.
- **Homesteader interest.** A few comments suggest restoring homestead rights to families. At least one comment explicitly objects to this, stating that the land was purchased by the federal government appropriately. Another comment says the state should reject any homesteader claim to the island.

- **Cultural interests.** Tribal involvement is mentioned several times from both tribal representatives and other interested parties. Ideas for involvement range from returning the land to its natural condition, to tribe-led environmental advocacy and education, to more intensive recreation uses such as a resort/casino on the island. Some comments state an interest in using the island for a youth education facility or a site for a long house with cultural educational programs open to the public.
- **Future of the Special Commitment Center.** Several comments suggest the SCC should be moved from the island in the long term—either by relocating the facility or reviewing other factors that eliminate the need for such a facility.
- **Other themes.**
 - **Avoid waste.** A few comments stress the need to avoid waste, such as by not using the facilities already built, allowing current infrastructure to degrade, or making future investments into new facilities.
 - **What not to do.** A few comments express preferences for what not to do in the future of McNeil Island. Do not develop the island, create a park, allow aquaculture, use the island for correctional purposes, or use the prison as a tourist destination.

2. Ideas for a future long-range planning process about McNeil Island

- **Gather necessary information.** Comments about the long-range planning process suggest types of information to gather as part of the process. Types of information identified are historical and archaeological information, clarity of ownership, and public preferences.
- **Working across agencies and partners.** Some comments stress the importance of working across agencies and partners to plan for the future, implement management plans, and fund desired activities.
- **Comprehensive planning and process preferences.** Some comments state the planning process should be comprehensive. Comments suggest planning should include public involvement, address the whole island, and consider economic measures and impacts.

3. Interest in involvement in a long-range planning process if approved in the future

- **Willingness to participate.** Most comments express interest in being involved in the ongoing planning process by remaining in a consultative role, serving on a committee, participating in public meetings, or tracking progress.
- **Specific governments or organizations to involve.** In comments about the long-range planning process, some state specific organizations to coordinate with or involve. These include governments, agencies, non-profit organizations, and special interest groups.

5.0 POTENTIAL PATHS FORWARD

Overview

This section contains information about potential paths forward for future use of McNeil Island. A preliminary review of potential paths guided the recommendation for a long-range planning process. There are different ways to approach alternatives analysis and planning. This section illustrates potential future alternatives rather than a detailed options assessment.

The approach in this section starts with the current legal status of McNeil Island, describes ownership considerations and legal mechanisms tied to various uses possible under federal law, and shows some of the complexities involved with decisions about the future of McNeil Island. The section highlights considerations and drivers for the island's future, uses allowed under the current deeds, public benefit uses authorized in federal law, ideas shared by interested parties, and several paths forward. Paths forward are not exhaustive; there are additional options or combinations of options that may arise during a long-range planning process.

5.1 Considerations and Drivers

The following considerations and drivers serve as a foundation for a broader exploration of the future of McNeil Island in a long-range planning or other decision-making process.

Federal Requirements

Approximately 28 percent of the McNeil Island property transferred to the state from the federal government is no longer used or maintained for correctional purposes in accordance with the conditions of the conveyance and the designated public benefit use. This status means the state is at risk for a possible reversion of ownership of 23 parcels to the federal government. Infrastructure to support the Special Commitment Center (SCC) operated by the Washington State Department of Social and Health Services (DSHS) is on at least ten of the 23 parcels. Reversion of the parcels previously used for correctional purposes could have adverse impacts on state operations and interests on the remainder of the island.

The correctional deed requires maintenance of the improvements, including certain potentially historic buildings and island infrastructure to prevent waste pending a final decision by the state. Minimum maintenance is the level of maintenance required to prevent the asset from losing value or utility to a subsequent owner. Estimated costs of minimum maintenance for the correctional property in cold closure are \$200,000 annually in the 2013-15 biennium. These costs include repair of roof surfaces and windows because of general wear, storm damage, vandalism, etc. Costs assume minimal materials and use of offender crews with DOC staff security escorts. The estimate does not include costs to keep the contemporary correctional facility in a warm closure status, restart utilities, preserve structures, and/or prevent deterioration of unheated buildings.

The U.S. General Services Administration (GSA) remains concerned about the cold closure status and prefers the state provide minimal heat in certain buildings to reduce condensation (approximately 40 degrees Fahrenheit). Restoring utility systems to facilities in cold closure involves reconnecting utilities, conducting safety checks, staffing the steam plant, and making minor repairs on utility systems. These activities increase estimated costs for minimum maintenance to almost \$1 million annually in the 2013-15 biennium. The estimate does not include renovation or preservation of buildings.

If facilities deteriorate further, costs will likely increase in subsequent years until the state reaches a final decision about future use of McNeil Island. If the state fails to provide minimum maintenance, GSA will ask the state to join it in preparations for an orderly reversion.

Both deeds state the underlying land should be returned to its natural condition when it is no longer economically feasible to maintain the structures. This general restriction does not apply to parcels 1 (former

MICC main prison) and 17 (SCC complex). Whether the state chooses to apply for another use of the correctional property or requests reversion of the property, the state is responsible for costs of cleanup of any hazardous materials and resolution of other environmental issues since transfer of property to the state. This report does not include estimates of sunk costs or costs to return the land to its natural condition.

Location of the Special Commitment Center

In the past, discussions considered relocation of the SCC from McNeil Island. The future of the SCC on McNeil Island has implications for options available for future uses of the island. To operate the SCC, DSHS needs infrastructure throughout the island on property covered in the correctional deed and property in the wildlife conservation deed. Infrastructure includes docks, generators, pump stations, road network, utilities, water and wastewater treatment systems, and other infrastructure.

The cost of operating the SCC (including the secure community transition facility on the island) is almost \$33.8 million annually in the 2011-13 biennium. In addition, DSHS identified a total of \$12.2 million needed for capital improvements for the SCC in the 2013-15 biennium.

In March 2012, DSHS estimated costs to relocate the SCC total confinement facility and Pierce County secure community transition facility (SCTF) from McNeil Island to the former Maple Lane School in Lewis County at almost \$48.6 million. This effort could take three to four years assuming there are no zoning or permitting challenges. A recent report by Criminal Justice Planning Services on [Cost-Effective Incarceration of Washington State Adult Prison Offenders](#) (October 1, 2012) contains an option to build a new reception center for the Washington State Department of Corrections (DOC) at Maple Lane to address capacity needs for male offenders in the adult correctional system.

DSHS estimated costs to relocate the SCC total confinement facility and Pierce County SCTF from the island to another mainland location at \$75 to \$100 million. The higher cost is for a site without adequately developed infrastructure such as communications, environmental issues, power, roads, power, sewer, water, etc. This effort could take four to eight years depending on siting, zoning, and permitting challenges.

The report on [Cost-Effective Incarceration of Washington State Adult Prison Offenders](#) (October 1, 2012) includes consideration of an alternative to repurpose units at the DOC Reception Center in Mason County for the DSHS SCC. This alternative was not included as a cost-effective option tied to DOC needs for a variety of reasons described in the report. The report notes that further study is required to determine the feasibility of this option.

Additional information about the costs of providing services for the SCC on McNeil Island is available in the report by Criminal Justice Planning Services on [Evaluation of Cost-Effective Provision of Services for the Special Commitment Center McNeil Island](#) (October 28, 2011).

The scope and length of a planning process may be reduced if the state decides in the short-term to leave the SCC on the island.

Public Access Restrictions

Public access to McNeil Island is currently prohibited in both the correctional and wildlife conservation deeds. The restriction is based on preservation of habitat and public safety. Depending on the proposed future use, there may be legal mechanisms under federal law to modify the restrictions. Under certain circumstances, GSA could consider requests for elimination of specific conditions or restrictions in the existing deeds as part of a deed amendment or substitute deed. However, presence of a civil commitment center for sexually violent predators on the island may constrain future potential uses even if deed use restrictions could be modified to allow another public benefit use.

5.2 Uses Allowed Under Existing Deeds

The following public benefit uses are possible under the existing deeds:

- **Wildlife Conservation.** Under the wildlife deed, the state must manage approximately 3,119 acres of McNeil Island (about 70 percent of the island) as a wildlife sanctuary oriented to the maintenance of the passive and natural wildlife that now exists. No new development can take place in the restricted area (i.e. no new roads, no new buildings, or any other improvements). The state is currently in compliance with the wildlife conservation deed and there are no known plans to alter the state's approach to passively manage the property.
- **Correctional Facility.** Under the correctional deed, the state must use and maintain approximately 1,238 acres of the island (about 28 percent of the island) as a correctional facility. The correctional deed restrictions acknowledge the land serving wildlife conservation purposes also.
- **Civil Commitment Facility.** Under an amendment to the correctional deed, the state can use approximately 87 acres (about two percent of the island) for a civil commitment facility.

GSA may, at its discretion and with concurrence of the state, change the grantee on the correctional deed to another qualified entity (county or city) to operate a correctional facility. Alternatively, the state may request that GSA change the public benefit use to something other than corrections. However, GSA cannot change both the grantee and the public benefit use under the original conveyance by use of deed amendment or replacement.

5.3 Potential Paths Forward for McNeil Island

Overview

Based on the information collected, several potential paths emerged as alternatives for the future of McNeil Island. Exhibit 21 and the narrative in this section outline these paths along with preliminary considerations for decision-making.

Potential paths forward are organized into three main categories, yet are not exhaustive:

- **Alternative 1: Full Use and Ownership of McNeil Island by the State**

The state of Washington retains full use and ownership of McNeil Island along with Gertrude and Pitt Islands through one or more public benefit conveyances under the federal government's process. Alternative 1 explores combinations of different uses or a single use.

- **Alternative 2: Partial Use and Ownership of McNeil Island by the State**

The state of Washington retains partial use and ownership of McNeil Island with some property reverting to the federal government.

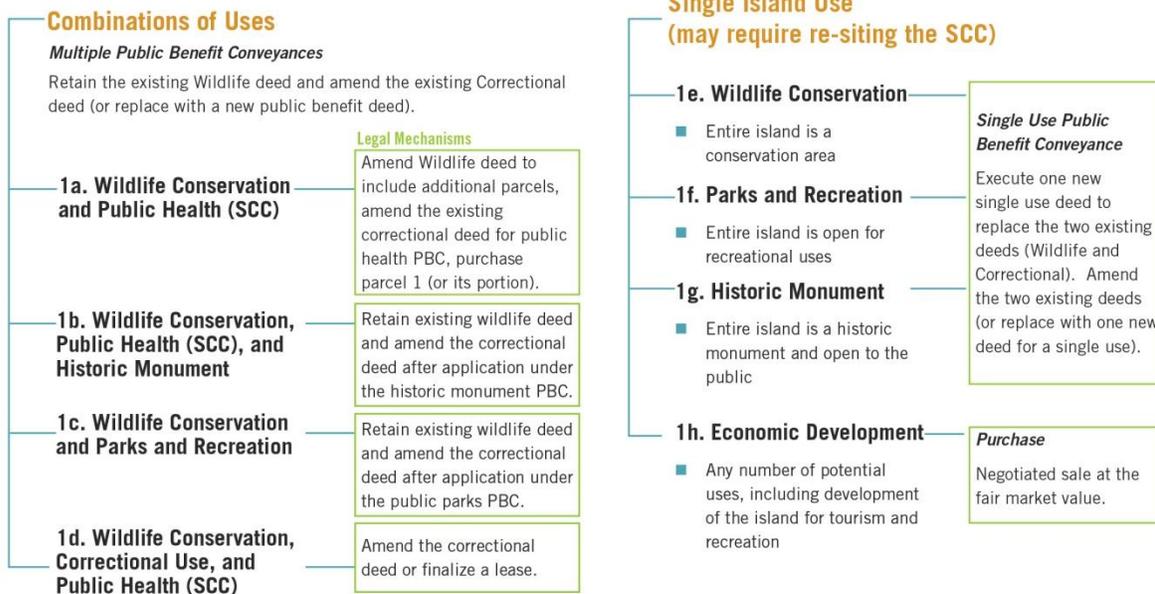
- **Alternative 3: No Use and Ownership of McNeil Island by the State**

The state of Washington determines it is no longer in the best interest of the state to own McNeil Island or the two small surrounding islands for any designated purposes. All of McNeil, Gertrude, and Pitt Islands previously used by the state revert to the federal government.

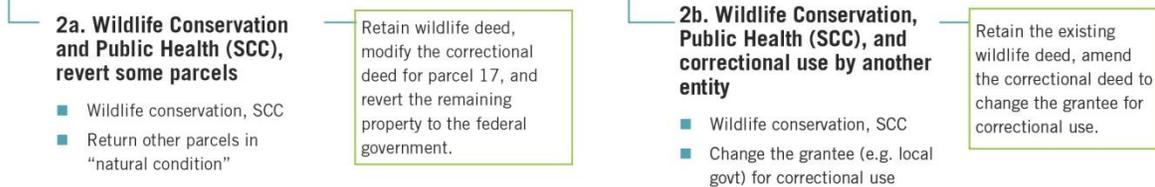
The recommendation for a long-range planning process includes more extensive evaluation of these and any other viable alternatives including an assessment of the costs, revenues, benefits, and risks.

Exhibit 21 Overview of Potential Paths Forward for McNeil Island

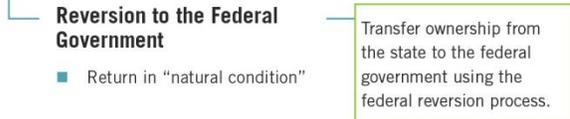
1. Full Use and Ownership of the Island by the State



2. Partial Use and Ownership by the State



3. No Use and Ownership by the State



Source: BERK, 2012

Alternative 1: Full Use and Ownership of McNeil Island by the State

The state of Washington retains full use and ownership of McNeil Island along with Gertrude and Pitt Islands for either a combination of different uses or a single use.

Combinations of Uses

The following paths support a combination of uses of McNeil Island.

1a. Wildlife Conservation and Public Health (for the SCC)

Description. The Washington State Department of Fish and Wildlife (DFW) may be amenable to assuming responsibility for up to five of the 23 correctional deed parcels (agricultural land without improvements) that might align with the current DFW property used for wildlife conservation. DSHS could assume responsibility under a public health use for the remaining correctional parcels to support SCC operations, except for the part of parcel 1 that contains the main prison complex of the former correctional facility. The state could purchase parcel 1 to use for any purpose without restrictions; parcel 1 could also be subdivided. Portions of parcel 1 used by DSHS (e.g. ferry dock) could be a part of the public health Public Benefit Conveyance (PBC), with state purchase of the remainder of parcel 1.

Legal Mechanism. Amend the existing wildlife deed to include additional parcels, amend or replace the existing correctional deed to fully support operation of the SCC as a civil commitment facility with infrastructure needs throughout the island under the public health PBC, and purchase parcel 1 (or a portion of parcel 1) at fair market value.

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. No funding is currently provided in any state agency's budget to maintain or preserve the remaining facilities or infrastructure on the island.

Potential Funding and Revenue Mechanisms. There are no direct revenue sources associated with this path forward.

Considerations

- Any property for use as wildlife conservation must meet specific requirements conducive to passive management and reduction of liability. Parcels with improvements or environmental concerns will likely not meet wildlife requirements and some structures may need to be removed.
- The U.S. Fish and Wildlife Service (USFWS) would act as the sponsor agency for a wildlife conservation request and must approve changes to the wildlife conservation conveyance before GSA could effectuate such a change.
- The required duration of use for the wildlife conservation PBC is in perpetuity.
- The U.S. Department of the Health and Human Services would act as the sponsor agency for a civil commitment facility request and must approve an application for a public health conveyance before GSA could effectuate such a conveyance.
- The required duration of use for the public health PBC is 30 years, after which the use restriction is lifted and the property can be used for other purposes.
- There would be a cost to the state to purchase parcel 1 (or a portion of the parcel) at fair market value. The last known appraisal of McNeil Island occurred in 1981 and there is no recent determination of fair market value.

1b. Wildlife Conservation, Public Health (for the SCC), and Historic Monument

Description. Continue wildlife management consistent with wildlife deed requirements, continue public health use for the SCC on parcel 17, and designate the remaining parcels as historic monument.

Legal Mechanism. Retain the existing wildlife deed and amend the correctional deed (or replace with a new deed) after application under the historic monument PBC.

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. No funding is currently provided in any state agency's budget to maintain or preserve potentially historic structures, archaeological resources, or infrastructure on the island.

Potential Funding and Revenue Mechanisms. The state would need to identify a fund source for maintaining and preserving resources designated archaeological or historic, if any. The state might be able to apply to targeted federal agencies, appropriate federal programs, or private grants to offset costs to the state. The historic monument conveyance permits income generating activities, although the potential for revenue generation on McNeil Island is unknown. The conveyance allows spending such income on island operation and maintenance expenses if that would support historic preservation.

Considerations

- The required duration of use for the wildlife conservation PBC is in perpetuity.
- Historic monument PBC requirements under federal law (Historic Surplus Property Program) include:
 - The National Park Service of the U.S. Department of the Interior (NPS) would act as the sponsor agency for a historic monument request and must approve an application for a historic monument conveyance before GSA could effectuate such a conveyance.
 - A historic monument conveyance generally requires maintenance or preservation of designated archaeological resources or historic structures or both.
 - The program does not require that properties be preserved as "monuments" or "museums," although these are allowable uses. A new use is limited only to the extent that the associated rehabilitation of historic structures meets the Secretary of the Interior's Standards for Rehabilitation. Historic surplus properties can also be leased and developed as income producing commercial ventures. Any income earned by the state must be used to support preservation of historic and archaeological resources on or off the island.
 - Public access is generally required under the historic monument PBC. Existing deeds currently restrict public access. A replacement deed could allow or restrict public access as needed, especially in areas with income generating activities.
 - The required duration of use for the historic monument PBC is in perpetuity.
- NPS is preliminarily amenable to considering an application for use of the island through a historic monument conveyance.
- The State Historic Preservation Officer (SHPO) and U.S. Secretary of the Interior determined McNeil Island eligible for listing on the National Register of Historic Places as an archaeological district in 1981; however, the island has not been formally listed. There are currently no places on McNeil Island designated as historic per the National Register.
- Preservation costs of any potentially historic structures on McNeil Island may vary widely depending on the use of the structures.

- The SCC presence on the island may constrain future potential uses even if the federal deed use restrictions could be modified to allow another public benefit use. Opening the island to public access (even in limited areas) may necessitate additional changes to security at the SCC and around certain island infrastructure. The state could also explore a different arrangement with an entity other than DSHS responsible for access, security, management, and/or maintenance of the island outside the perimeter of the SCC.
- There could be an impact to the island wildlife and natural environment with public access, especially in the northern regions of the island that are more environmentally sensitive. However, the replacement deed could still restrict access to the northern regions of the island.
- Some of the existing structures might be repurposed at a cost to the state. However, under a historic monument conveyance, improvements could await funding. Income generated on McNeil Island could be used to support any effort related to preservation of the island including operation and maintenance of necessary island improvements such as the docks, roads, utilities, etc.
- An appropriate state agency, collaboration of public agencies, or a qualified public/private partnership must be amenable to assume responsibility for a portion of McNeil Island.

1c. Wildlife Conservation and Parks and Recreation

Description. Continue wildlife management consistent with wildlife deed requirements, continue public health use for the SCC on parcel 17, and open a portion of the island to public access for parks and recreation use (probably in the southern, less environmentally sensitive area of the island).

Legal Mechanism. Retain the existing wildlife deed and amend the correctional deed (or replace with a new deed) after application for public parks and recreational areas PBC.

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. No funding is currently provided in any state agency's budget to maintain the remaining facilities or infrastructure, preserve remaining facilities, or operate additional functions at this location.

Potential Funding and Revenue Mechanisms. In 2011, state general fund support for PARKS was reduced dramatically. In its place, the Legislature established a \$30 annual access fee (Discover Pass) or \$10 daily access permit to visit state parks and other recreation lands managed by DFW and DNR. The Discover Pass would likely be required should a planning study determine and the Legislature authorize some form of state parks management on McNeil Island. Operation of all or part of the island as a state park would necessitate new operating costs be offset with revenue generated from user fees or other funding or partnership mechanism.

Considerations

- Existing deeds currently restrict public access and would require amending.
- The required duration of use for the wildlife conservation PBC is in perpetuity.
- Public parks and recreational areas PBC requirements under federal law include:
 - NPS would act as the sponsor agency for a parks and recreational request and must approve an application for a public parks and recreational areas conveyance before GSA could effectuate such a conveyance.
 - The required duration of use for the public parks and recreational areas PBC is in perpetuity.

- Some of the existing structures might be repurposed. There would be costs to the state to repurpose some facilities, demolish some unused structures (such as portions of the former correctional facility), perform environmental remediation, and develop recreational infrastructure.
- Washington State Parks and Recreation Commission (PARKS) must be amenable and align necessary state and private financial support to assume responsibility for a portion of McNeil Island.
- The SCC presence on the island may constrain future potential uses even if the federal deed use restrictions could be modified to allow another public benefit use. Opening the island to public access (even in limited areas) may necessitate additional changes to security at the SCC and around certain island infrastructure. The state could also explore a different arrangement with an entity other than DSHS responsible for access, security, management, and/or maintenance of the island outside the perimeter of the SCC.

1d. Wildlife Conservation, Corrections, and Public Health (for the SCC)

Description. Continue wildlife management consistent with wildlife deed requirements, continue public health use for the SCC, and reuse the former prison for alternative correctional purposes through either (1) repurposing parts of the main prison complex for alternative correctional uses or (2) leasing the prison to another entity for correctional purposes.

Legal Mechanism. Amend the existing correctional deed or finalize a lease (a lease would require GSA's consent).

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. No funding is currently provided in any state agency's budget to maintain or preserve the remaining facilities or infrastructure on the island.

Potential Funding and Revenue Mechanisms. Any entity using the existing facilities for correctional purposes would need to obtain funding to make necessary capital improvements, operate the facilities and associated correctional program, and share the costs of infrastructure on McNeil Island. This approach may generate some savings in infrastructure through cost sharing and may generate direct revenue through a lease arrangement.

Considerations

- The correctional facility permanently closed in April 2011. There is no proposal to reopen the facility and there is no known interest expressed by another entity to lease the correctional facility. Alternative correctional uses might meet the requirements of the correctional PBC.
- DOC estimates a capital investment of \$60 to \$85 million to reopen the facility (including siding replacement on three housing units, water system repairs, roof replacements, etc.). These costs will likely increase with time because of the cold closure and weather impacts. In addition, systems and equipment that were removed for either safety reasons or for repurposing to other facilities would need to be replaced at an approximate cost of \$2 to \$5 million.
- The required duration of use for the correctional PBC is in perpetuity.
- The state could explore a different arrangement with an entity other than DSHS responsible for access, security, management, and/or maintenance of the island outside the perimeter of the SCC.

Single Use

The following paths support a single use of McNeil Island. Some of the paths may require relocating the SCC off the island.

1e. Wildlife Conservation

Description. Convert the entire island to wildlife conservation area with limited public access or no public access.

Legal Mechanism. Amend the existing wildlife deed (or execute one new single use deed) to replace the two existing deeds (wildlife and correctional).

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. No funding is currently provided in DFW's budget to assume greater management responsibility or remove structures on McNeil Island.

Potential Funding and Revenue Mechanisms. If DFW began operating a portion of McNeil Island as a wildlife conservation area with limited public access, the state would need to identify funding for those operations. There is potential for revenue generation through using a building or buildings in the main correctional campus for a visitor center with admissions fees or donations. Property on the island might be used for day use with potential generation of additional annual access fees (Discover Pass) or daily access permit. In addition, access to the island via the ferry could generate additional fees. It is unclear if sufficient revenue could be generated to support this operation.

Considerations

- The SCC may need to relocate off McNeil Island, which would involve costs to the state and could take at least three to eight years. This assumes it is possible to find an alternate location for the SCC.
- Alternatively, security for the SCC may have to be adapted to allow for limited public use of McNeil Island. Access via ferry would also have to allow for public use in addition to SCC use.
- If the SCC remained on the island, the state could explore a different arrangement with an entity other than DSHS responsible for access, security, management, and/or maintenance of the island outside the perimeter of the SCC.
- Public use of the northern part of McNeil Island might need to be limited to afford necessary protection to natural plant and wildlife communities.
- Any property for use as wildlife conservation must meet specific requirements conducive to passive management and reduction of liability. Parcels with improvements or environmental concerns will likely not meet wildlife requirements. The state would incur costs to demolish structures and perform environmental remediation.
- USFWS would act as the sponsor agency and must approve changes to the wildlife conservation conveyance before GSA could effectuate such a conveyance.
- The required duration of use for the wildlife conservation PBC is in perpetuity.
- DFW must be amenable to assume responsibility for the entire McNeil Island.

1f. Parks and Recreation

Description. Convert all or part of the island to a park and recreational area, with public access for recreational uses.

Legal Mechanism. Amend the two existing deeds (or replace with one new deed) for a single use under a public parks and recreational areas PBC.

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. PARKS does not currently operate on McNeil Island. No funding is currently provided in the agency's budget to plan for park development at this location.

Potential Funding and Revenue Mechanisms. In 2011, state general fund support for PARKS was reduced dramatically. In its place, the Legislature established a \$30 annual access fee (Discover Pass) or \$10 daily access permit to visit state parks and other recreation lands managed by DFW and DNR. The Discover Pass would likely be required should a planning study determine and the Legislature authorizes some form of state parks management on McNeil Island. Operation of all or part of the island as a state park would necessitate that new operating costs be offset with revenue generated from user fees or other funding or partnership mechanism.

Considerations

- The SCC may need to relocate off McNeil Island, which would involve costs to the state and could take at least three to eight years. This assumes it is possible to find an alternate location for the SCC.
- Alternatively, security for the SCC may have to be adapted to allow for public use of McNeil Island. Access via ferry would also have to allow for public use in addition to SCC use.
- If the SCC remained on the island, the state could explore a different arrangement with an entity other than DSHS responsible for access, security, management, and/or maintenance of the island outside the perimeter of the SCC.
- Public use of the northern part of McNeil Island might need to be limited to afford necessary protection to natural plant and wildlife communities.
- Some of the existing structures might be repurposed. The state would incur costs to demolish unused structures (such as portions of the former correctional facility), perform environmental remediation, and develop recreational facilities. State capital investment to establish these facilities would vary considerably depending on their extent and sophistication. According to PARKS, potential also exists to secure private investment in recreational facilities and amenities that are expected to achieve a sufficient financial return. A Certificate of Participation (COP) is another mechanism through which state agencies can borrow public funds and use revenues from constructed facilities to repay the loan.
- Public parks and recreational areas PBC requirements under federal law include:
 - NPS would act as the sponsor agency and must approve an application for a parks and recreational areas conveyance before GSA could effectuate such a conveyance.
 - The required duration of use for public parks and recreational areas PBC is in perpetuity.
- Management of McNeil Island for parks and recreation purposes could be done by several public agencies including PARKS, DFW, DNR, or a local parks and recreation agency.
- DFW must be amenable to discharge its responsibility for passive management under the existing wildlife conservation deed.
- PARKS must be amenable and align necessary state and private financial support to assume responsibility for all or part of McNeil Island.

1g. *Historic Monument*

Description. Convert the entire island to a historic monument area with public access.

Legal Mechanism. Replace the two existing deeds with one new deed for a single use as a historic monument PBC.

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. No funding is currently provided in any state agency's budget to maintain or preserve the potentially historic structures, archaeological resources, or remaining infrastructure on the island.

Potential Funding and Revenue Mechanisms. The state would need to identify a fund source for maintaining and preserving resources designated as archaeological or historic, if any. The state might be able to apply to targeted federal agencies, appropriate federal programs, or private grants to offset costs to the state. The historic monument conveyance permits income generating activities, though the potential for revenue generation on McNeil Island is unknown. The conveyance allows spending such income on island operation and maintenance expenses if that would support historic preservation.

Considerations

- Historic monument PBC requirements under federal law (Historic Surplus Property Program) include:
 - NPS would act as the sponsor agency and must approve an application for a historic monument conveyance before GSA could effectuate such a conveyance.
 - A historic monument conveyance generally requires maintenance or preservation of designated archaeological resources or historic structures or both.
 - The program does not require that properties be preserved as “monuments” or “museums,” although these are allowable uses. A new use is limited only to the extent that the associated rehabilitation of historic structures meets the Secretary of the Interior’s Standards for Rehabilitation. Historic surplus properties can also be leased and developed as income producing commercial ventures. Any income earned by the state must be used to support preservation of historic and archaeological resources on or off the island.
 - Public access is generally required under the historic monument PBC. Existing deeds currently restrict public access. A replacement deed could allow or restrict public access as needed, especially in areas with income generating activities.
 - The required duration of use for the historic monument PBC is in perpetuity.
- NPS is preliminarily amenable to considering an application for use of the island through a historic monument conveyance.
- The SHPO and U.S. Secretary of the Interior determined McNeil Island eligible for listing on the National Register of Historic Places as an archaeological district in 1981; however, the island has not been formally listed. There are currently no places on McNeil Island designated as historic per the National Register.
- Preservation costs of any potentially historic structures on McNeil Island may vary widely depending on the use of the structures.

- The SCC presence on the island may constrain future potential uses even if the federal deed use restrictions could be modified to allow another public benefit use. Opening the island to public access (even in limited areas) may necessitate additional changes to security at the SCC and around certain island infrastructure. The state could also explore a different arrangement with an entity other than DSHS responsible for access, security, management, and/or maintenance of the island outside the perimeter of the SCC.
- There could be an impact to the island wildlife and natural environment with public access, especially in the northern regions of the island that are more environmentally sensitive. However, the replacement deed could still restrict access to the northern regions of the island.
- Some of the existing structures might be repurposed at a cost to the state. However, under a historic monument conveyance, improvements could await funding. Income generated on McNeil Island could be used to support any effort related to preservation of the island including operation and maintenance of necessary island improvements such as the docks, roads, utilities, etc.
- DFW must be amenable to discharge its responsibility for passive management under the existing wildlife conservation deed. DSHS must be amenable to discharge its responsibility beyond the perimeter of the SCC. DOC must be amenable to discharge any outstanding responsibilities on the island.
- An appropriate state agency, collaboration of public agencies, or a qualified public/private partnership must be amenable to assume responsibility for all or a portion of McNeil Island.

1h. Economic Development

Description. Allow any number of potential uses of McNeil Island including development of the island for tourism, recreation, and economic development.

Legal Mechanism. Purchase the entire island from the federal government through a negotiated sale at fair market value.

Current Funding and Revenue Mechanisms. There is currently no model for economic development specific to McNeil Island because of the state's uses of the island to date.

Potential Funding and Revenue Mechanisms. The state would need to develop a proposal for purchase of one or more islands and prepare an economic development plan.

Considerations

- GSA is amenable to the state purchasing McNeil, Gertrude, and Pitt Islands.
- There would be a significant cost to the state to purchase one or more islands at fair market value. The last known appraisal of McNeil Island occurred in 1981 and there is no recent determination of fair market value.
- Restrictions associated with public beneficial conveyances would not be in effect with a purchase, which provides an opportunity for the state to use the island in multiple ways. Purchase could remove all existing covenants, reservations, and restrictions except for archaeological restrictions.
- Purchase of property will likely require legislative approval. Use of alternative financing contracts requires legislative approval.

Alternative 2: Partial Use and Ownership of McNeil Island by the State

The state of Washington retains partial use and ownership of McNeil Island.

2a. *Wildlife Conservation and Public Health (for the SCC); Revert Some Parcels*

Description. Continue wildlife management consistent with existing wildlife deed requirements, continue public health use for the SCC on parcel 17 (and potentially other parcels that contain infrastructure critical for SCC operations), and transfer ownership of all remaining parcels under the correctional deed to the federal government.

Legal Mechanism. Retain the existing wildlife deed, modify the correctional deed for parcel 17 (and potentially other parcels), and transfer ownership of all remaining property to the federal government under the reversion process.

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. No funding is currently provided in any state agency's budget to maintain the remaining facilities or infrastructure, preserve remaining facilities, or operate additional functions at this location.

Potential Funding and Revenue Mechanisms. There are no direct revenue sources associated with this path forward.

Considerations

- It is unlikely that GSA would find it in the interest of U.S. taxpayers to take the remaining parcels under the correctional deed if the state retained high value parcels to support the SCC and requested reversion of the remaining parcels with low or no value.
- The federal government reserves the right to refuse reversion. If reversion to the federal government is proposed or becomes necessary, GSA may prefer to swap out wildlife parcels for noncontiguous correctional parcels to form a more contiguous final parcel for reversion.
- All property, except for Parcels 1 and 17 and certain other areas with essential improvements, must be returned to its natural condition prior to any reversion to the federal government.
- Any subsequent owner must be amenable to easements or other arrangements for infrastructure to support the SCC.

2b. *Wildlife, Public Health (for the SCC), and Correctional Use by Another Entity*

Description. Continue wildlife management consistent with existing wildlife deed requirements, continue public health use for the SCC on parcel 17, and change the grantee for correctional use (e.g. local government entity).

Legal Mechanism. Retain the existing wildlife deed, amend or replace the correctional deed to change the grantee for correctional use, and retain the amendment or incorporate public health use of parcel 17 by DSHS for the SCC.

Current Funding and Revenue Mechanisms. DFW currently performs its functions on McNeil Island through funding from licenses and fees. DSHS currently operates the SCC facilities and necessary infrastructure primarily through funding from the state general fund. No funding is currently provided in any state agency's budget to maintain the remaining facilities or infrastructure, preserve remaining facilities, or operate additional functions at this location.

Potential Funding and Revenue Mechanisms. Any entity using the existing facilities for correctional purposes would need to obtain funding to make necessary capital improvements, operate the facilities and associated correctional program, and share the costs of infrastructure on McNeil Island. There are no direct revenue sources associated with this path forward, but this approach may generate some savings in infrastructure through cost sharing.

Considerations

- It is unclear whether there is an interest in the use of the former correctional facility by another entity. Please see the note about potential costs for alternative correctional purposes in 1d.
- The state could explore a different arrangement with an entity other than DSHS responsible for access, security, management, and/or maintenance of the island outside the perimeter of the SCC.
- Considering the infrastructure on the island is designed to support both the former prison and the SCC, the state may need to enter into a Memorandum of Understanding with another entity for management of shared infrastructure.

Alternative 3: No Use and Ownership of McNeil Island by the State

The state of Washington determines it is no longer in the best interest of the state to use and own McNeil Island or the two small surrounding islands for any designated purposes. All of McNeil, Gertrude, and Pitt Islands previously used by the state revert to the federal government.

Description. Transfer ownership of the entire McNeil Island back to the federal government. (Also transfer ownership of Gertrude and Pitt Islands to the federal government.)

Legal Mechanism. Transfer ownership from the state to the federal government using the federal reversion process.

Potential Funding and Revenue Mechanisms. N/A

Considerations

- Pending reversion of the property, the state must minimally maintain improvements on the island.
- All property, except for Parcels 1 and 17 and certain other areas with essential improvements, must be returned to its natural condition prior to any reversion to the federal government. The state is responsible for cleanup of any hazardous materials and resolution of other environmental issues since transfer of the property to the state, which may result in costs to the state.
- DFW must be amenable to discharge its responsibility for passive management under the existing wildlife conservation deed. DOC must be amenable to discharge any outstanding responsibilities on the island.
- The state may need to relocate the SCC from McNeil Island to the mainland. If the SCC remains on the island under different ownership, DSHS must be amenable to discharge its responsibility beyond the perimeter of the SCC.
- If the SCC remains on the island, any subsequent owner must be amenable to easements or other arrangements for infrastructure to support the SCC.
- USFWS previously expressed interest in wildlife conservation of the island and a possible National Wildlife Refuge.
- GSA can refuse property under the federal reversion process.

5.4 Sources of Revenue and Potential Opportunities for Revenue

Sources of Revenue

Washington receives most of its revenue from taxes; licenses, permits, and fees; and federal grants. Each individual revenue source is designated by law for deposit into specific accounts used to support state operating or capital expenditures. There are no funds or revenue sources currently identified to maintain, preserve, or repurpose unused facilities or infrastructure on McNeil Island.

The largest amount of revenues from taxes and fees for the state general fund is used to support education, which includes the state share of funding for public schools, four-year colleges and universities, and two-year community and technical colleges. Many programs supported by the state general fund are currently challenged to deliver all needed services. Revenues generated primarily by licenses and fees are barely able to support current programs through the natural resource agencies without trying to add more programs.

Requirements for minimum maintenance of certain existing structures on McNeil Island as requested by GSA, a long-range planning process about the future of the island, and implementation of paths forward as suggested by interested parties could all be additional competing issues for state revenues. Some of the paths forward may require a significant outlay of capital and/or operating funds beyond existing expenditures.

Since the state does not currently have the revenue to support the competing interests identified in this report, the state must determine a financial mechanism to implement a plan. Modeling of expenses for the most viable paths forward is important to determine implications for revenue. Exploring reasonable sources of revenue such as licenses, permits, and fees; taxes and other state revenue; specialized grants; local revenue; endowment through a partnership with a non-profit entity; and other public-private partnerships is a recommended consideration for the future.

Potential Opportunities for Revenue Production

There are several possible uses of McNeil Island that may have the potential to generate revenues for the state. However, further refinement and analysis of the most viable options are necessary to determine potential revenue sources from, and revenue necessary to support, potential future uses of McNeil Island. Island access and security need to be addressed as part of exploring revenue generation.

Interested parties provided the following ideas for exploration in the long-range planning process:

- Rent structures as vacation rentals or other uses under the historic monument PBC. Historic properties can be leased and developed as income producing commercial ventures. All income exceeding the cost of repairs, rehabilitation, and maintenance must be used for public historic preservation, park, or recreational purposes.
- Rent structures as vacation rentals, collect camping or moorage fees, or other uses under the public parks and recreational areas PBC. Any income must be directly related to the provision of services either on the island or any other state park resources.
- Lease the former correctional facility to another government or private entity under the correctional PBC, as long as the lease is for correctional purposes only.

- Use the marine boatyard to repair vessels owned by other government agencies. The boatyard and associated shops do repairs on all vessels in the McNeil Island fleet, including full overhaul of diesel engines and repair or manufacture of critical components. The boatyard has excess physical capacity. Provided appropriate staffing, there is a potential to repair marine vessels for other state agencies. While this may not directly generate revenue for the state, there is a potential to reduce costs. The boatyard facilities could possibly be used by the DNR Derelict Vessel Removal Program to store vessels that would otherwise sink if not removed from the water and for deconstruction of derelict vessels.
- Allow other governmental agencies to use the fuel tanks and fueling station.

Neither OFM nor any other state agency conducted financial analysis of these ideas for potential revenue generation for McNeil Island. Any future analysis needs to consider potential operating and capital costs.

6.0 PLANNING RECOMMENDATIONS: SHORT-TERM ACTIONS AND A LONG-RANGE PLANNING PROCESS

Overview

This section contains recommendations for short-term actions and a long-range planning process for the future of McNeil Island.

Short-term actions are actions recommended before July 2013 to (1) meet state obligations and commitments in the correctional deed and (2) prepare for a more comprehensive, long-range planning process to start in the 2013-15 biennium. A recommended **long-range planning process** builds on this report to engage the state and key interested parties to strategically plan for future use of McNeil Island, subject to funding being appropriated or provided for this purpose. The recommended long-range planning process starts July 1, 2013 and ends by December 31, 2014. Estimated costs of this process are \$480,000. This estimate does not include additional inventory and analysis suggested by various interested parties as described in Task 5 below. Estimated costs for all further inventory and analysis suggestions received to date are \$750,000.

6.1 Short-term Actions

Actions to Meet State Obligations and Commitments in the Correctional Deed

As noted previously, the state is out of compliance with the correctional deed. This status means the state is at risk for a possible reversion of 23 parcels of McNeil Island to the federal government. Reversion of the parcels could have adverse impacts on state operations and interests on the remainder of the island.

The correctional deed requires maintenance of the improvements, including certain potentially historic buildings and island infrastructure to prevent waste pending a final decision by the state. Estimated costs of minimum maintenance for the correctional property in cold closure are \$200,000 annually in the 2013-15 biennium. These costs include repair of roof surfaces and windows because of general wear, storm damage, vandalism, etc. Costs assume minimal materials and use of offender crews with Washington State Department of Corrections (DOC) staff security escorts. The estimate does not include costs to keep the contemporary correctional facility in a warm closure status, restart utilities, preserve structures, and/or prevent deterioration of unheated buildings.

The U.S. General Services Administration (GSA) remains concerned about the cold closure status and prefers the state provide minimal heat in certain buildings to reduce condensation (approximately 40 degrees Fahrenheit). Restoring utility systems to facilities in cold closure involves reconnecting utilities, conducting safety checks, staffing the steam plant, and making minor repairs on utility systems. These activities increase estimated costs for minimum maintenance to \$1 million annually in the 2013-15 biennium. The estimate does not include renovation or preservation of buildings.

If facilities deteriorate further, costs will likely increase in subsequent years until the state reaches a final decision about future use of McNeil Island. If the state fails to provide minimum maintenance, GSA will ask the state to join it in preparations for an orderly reversion.

Potential Actions:

- Fund costs for minimum maintenance in the 2013-15 biennium (estimated cost: \$200,000 to \$1 million annually depending on the type of maintenance).

Actions to Initiate a Long-Range Planning Process

Potential Actions:

- Determine the level of support for leaving the Special Commitment Center (SCC) on McNeil Island or trying to relocate the facility off the island. Alternatively, decide if the SCC will remain on McNeil Island or if the state will seek to relocate the SCC to the mainland. (This action impacts the recommendation for a long-range planning process.)
- Fund costs of a long-range planning process for the future of McNeil Island in the 2013-15 biennium (estimated cost: \$480,000).
- Consider ideas for further inventory and analysis suggested by various interested parties to support a long-range planning process (estimated cost of all suggestions to date: \$750,000).
- Do some pre-work for the long-range planning process based on gaps in data and analysis identified in this report.
- Consider introducing a policy bill or other legislation about the future of McNeil Island during the 2013 legislative session.

6.2 Long-Range Planning Process

The recommended long-range planning process is a strategic and comprehensive process that considers McNeil Island from a holistic perspective; engages state government, federal government, and key interested parties; supports public involvement; and uses an iterative approach. Iterative planning provides the greatest opportunity to ensure the planning process promotes goals for the process, is clearly understood by interested parties, and lays the foundation for successful implementation of a plan.

The inventory of data and information contained in this report provided the baseline for developing the long-range planning process, including additional work recommended to support this process. The section on Potential Paths Forward lays the foundation for identifying the potential options for future use of McNeil Island. As noted previously, there are different ways to approach alternatives analysis and planning from broad visioning to a more specific focus starting with potential use or legal mechanisms tied to ownership.

The recommended long-range planning process occurs in seven major tasks over 18 months, starting on July 1, 2013, and ending by December 31, 2014. Exhibit 22 shows this recommended process graphically.

While only the correctional deed is out of compliance, the proposed approach allows for consideration of the whole island when planning. The scope and length of a planning process may be reduced if the state decides in the short-term to leave the SCC on McNeil Island. If the SCC remains on the island, the options for use under federal public benefit conveyances (PBCs) may be limited to public health or historic monument (in addition to the existing designated use under the wildlife conservation deed). The state could also pursue purchase of McNeil Island or special legislation through the U.S. Congress.

The Washington State Recreation and Conservation Office (RCO) is the recommended agency to lead the long-range planning process subject to funding. RCO is a state agency with statutory responsibility for planning for recreation and conservation. Over the years, the Legislature has tasked RCO to conduct studies or reports on public land and conservation tools.

Task 1. Project Initiation, Pre-Planning, and Coordination

The purpose of this task is to organize the planning project, formally start the planning process, and coordinate project activities. The following subtasks are required:

- A.** Form the core project team to manage the project, enter into contracts as necessary for planning or assessment services, lead the long-range planning process, generate the plan, and provide staff support to the Task Force.
- B.** Refine the proposed long-range planning process.
- C.** Draft a project charter, governance structure, schedule, communication plan, risk management plan, and plan for public involvement. Determine clear mission of the project and identify policy questions.
- D.** Define roles and responsibilities for a Task Force, legislative members and staff, and project support.
- E.** Propose composition of the Task Force.
- F.** Conduct a kick-off meeting to review the project charter, process, scope, schedule, budget, communication plan, risks, leadership structure, decision-making process, and public involvement.
- G.** Manage the project.

Task 1 is estimated to take one to three months for project initiation and pre-planning, followed by 12 to 15 months for ongoing project coordination.

Task 2. Stakeholder Consultation and Public Engagement

The purpose of this task is to initiate public involvement and scoping, identify key interested parties not on a formal governance group, and plan activities to engage interested parties. The goal of this task is to provide multiple opportunities for stakeholder consultation beyond participation on the Task Force. This task continues throughout the long-range planning process. Examples of subtasks are:

- A.** Conduct an initial scoping event to inform interested parties about the long-range planning process.
- B.** Provide an opportunity for public input at meetings of the Task Force.
- C.** Conduct public open houses and meetings, give presentations, and consider other approaches to engage the full range of interested parties including members of the public. Obtain key stakeholder and public perspectives on the options and recommendations for the island.
- D.** Provide summaries of public comments to the Task Force and Legislature.
- E.** Interested parties include tribal governments, local governments and communities, environmental and cultural resource organizations, nonprofit organizations, and others identified in this baseline report.

Task 2 is estimated to take 15 to 18 months.

Task 3. Legislative and Agency Briefings

The purpose of this task is to ensure that legislative members who are not directly involved with the formal governance structure, legislative staff, and agency executive leadership are regularly informed of the long-range planning process. This task continues throughout the entire long-range planning process. Examples of subtasks are:

- A.** Identify liaisons to the Legislature.

- B. Prepare periodic status reports and briefings to the Legislature. The briefings could include summaries of progress toward a recommendation on future use of McNeil Island; summaries of stakeholder and public engagement meetings; updates on the federal perspective about the island's future, timelines, decision points; and updates on budget implications.

Task 3 is estimated to take 15 to 18 months.

Task 4. Values and Goals

The purpose of this task is to identify key issues, policy decisions, and goals associated with planning for the future of McNeil Island. Examples of subtasks are:

- A. Identify policy decisions and decision-making mechanisms needed to enable the long-range planning process to move forward.
- B. Identify values associated with the island and decisions about the island.
- C. Establish goals for the planning process.
- D. Establish goals for use of the property associated with the island.
- E. Identify criteria for future use of the island.

Task 4 is estimated to take four months.

Task 5. Inventory and Analysis

The purpose of this task is to support values and goals by gathering and analyzing information needed to assist with the long-range planning process. State agencies can do some inventory and analysis within existing budgets. Various interested parties suggested the following examples of additional work to support values and goals.

A. History

Prepare a synopsis of the history and cultural aspects of McNeil Island before transfer of ownership to the state. *Estimated cost: \$75,000. Completion: three to six months.*

B. Maps

Create or secure updated maps to show habitat, road network, structures, and infrastructure. *Estimated cost: \$75,000. Completion: three to six months.*

C. Facilities Inventory

Prepare an updated inventory of facilities on McNeil Island including type of structure, square feet, approximate date of original construction, estimated costs of original construction, previous and current use, date of last major renovation, estimated costs of last major renovation, current condition, agency with current responsibility, GIS survey inventory, and photos. *Estimated cost: \$100,000. Completion: three to six months.*

D. Archaeological and Historic Resources Inventory

Prepare an updated inventory of the archaeological, cultural, and historic resources on McNeil Island. Consider inventorying the potential historic properties island-wide (including archaeological sites, traditional cultural properties, landscapes, and elements of the built environment that are 40 years of age and older) and evaluating significance using National Register criteria. This will inform the development of a cultural/historic resource management plan for archaeological and historic resources. The Washington State Department of Archaeology and Historic Preservation (DAHP) recommends that qualified historic preservation professionals conduct this effort. *Estimated cost: \$100,000. Completion: three to six months.*

E. Aquatic Land and Habitat Resource Management

Characterize general habitat, characterize drift cell sediment transport, inventory feeder bluffs and status and accretion and erosion areas, identify nearshore aquatic vegetation, conduct sea bottom invertebrate studies, inventory and assess nearshore marsh/wetland habitat, survey for invasive plant species, and identify structures that can be removed and other restoration opportunities.

The intertidal biotic community surveys will continue for the Washington State Department of Natural Resources (DNR). DNR, in partnership with the U.S. Geological Survey and the Nisqually Indian Tribe, will conduct forage fish surveys and juvenile salmon monitoring through at least June 2013. This work could be extended through June 2014. *Estimated cost:* \$60,000 for forage fish spawning survey through June 2014; \$50,000 for juvenile salmon monitoring through June 2013 (project would be extended if additional funding was established); and \$30,000 for intertidal biotic community surveys through 2013. There is no cost or time frame estimate for any of the other proposed research in this area.

F. Environmental Remediation Planning

Review any outstanding environmental issues that may need further analysis and planning such as diesel yard contamination, soil contamination, and groundwater contamination that may require further cleanup.

- Tasks for the diesel yard contamination include: draft a covenant, modify the Post Closure Plan as appropriate to include it as an exhibit to the covenant, finalize the covenant, file the covenant with Pierce County, and conduct monitoring and maintenance activities for an agreed upon period. *Estimated cost:* Staff time to complete the covenant plus \$40,000 (assumes sampling every 30 months over a 20-year period). *Completion:* one to three months to draft and file the covenant, plus some frequency of monitoring and maintenance conducted into perpetuity.
- Tasks for the diesel spill in the main prison area include: collect soil and groundwater samples from the area to characterize the extent of residual contamination. Once characterized, the Washington State Department of Ecology (ECY) could determine the most feasible alternative for cleanup. *Estimated cost:* \$100,000 for ECY characterization; cleanup costs to be determined. *Completion:* two to five months for characterization; cleanup time frame to be determined.
- Tasks for the tank decommissioning include: finalize a covenant and file the covenant with Pierce County. *Estimated cost:* Staff time to complete the covenant. *Completion:* one to three months to draft and file the covenant.

G. Special Commitment Center Analysis

In the past, discussions considered relocation of the SCC from McNeil Island. The future of the SCC on McNeil Island has implications for options available for future uses of the island. Deciding the long-term future of the SCC is helpful in determining future use of the island. Inputs to analysis could include population forecasts, options and costs for an entity other than DSHS to manage and maintain the island outside the perimeter of the SCC, modifications and costs for the SCC to remain on McNeil Island with some public access to the island, options and costs to relocate the SCC from the island to the mainland, and facility and policy considerations.

The preference is for this analysis to occur prior to the start of a long-range planning process and in conjunction with the 2013 legislative session so the Legislature could consider the level of support for leaving the SCC on McNeil Island or relocating the SCC to the mainland. An assumption for the long-range planning process is the SCC will remain on the island until release of the last resident unless some other decision is made before the planning process starts. *Estimated cost:* \$100,000. *Completion:* two to four months.

Task 5 is estimated to take at least six months.

Task 6. Options Identification, Analysis, and Recommendation

The purpose of this task is to identify the potential options for future use of McNeil Island, refine the most viable options, analyze the options, address planning issues and opportunities, and recommend the preferred option(s).

A. Identify Uses and Options

Build from this baseline report to identify potential uses of the island, including natural area conservation, recreation, historic preservation, economic development, corrections, public health, and others. Assess three to five major options for potential future use of McNeil Island and describe their implications. Consider any changes in policy at the federal and state levels, new information received, and outstanding issues. Continually address planning issues, concerns, and opportunities identified throughout the process.

B. Revenue, Cost, and Risk Analysis

Prepare an assessment of the revenues, costs, risks, and benefits of each option. Identify the costs, funding needs, and funding sources for each option for feasible use. Where there is revenue potential, estimate order-of-magnitude revenues expected. Identify the risks and liabilities to the state associated with each option. Document the source of the cost estimates and risks identified.

C. Policy and Tradeoff Analysis

Prepare an analytic framework for decision-making about long-term future use of the Island. Develop a set of decision criteria including administrative, environmental, financial, legal, political, socioeconomic, and other feasibility factors. Identify strategies necessary to implement the options. Conduct a tradeoff analysis that clearly maps the impact of each option against the decision criteria. Assess the tradeoffs of each option in terms of public benefit, cost, long-term sustainability, and other factors to be identified in the analysis.

D. Recommendations

Prepare draft recommendations for review and identify the preferred option(s).

Task 6 is estimated to take nine months.

Task 7. Reports

The purpose of this task is to submit a report about the comprehensive, long-range planning process and a plan for how to implement the recommendation(s). The primary deliverable for this proposed long-range planning process is a report with implementation plan. Examples of subtasks are:

- A. Prepare a report with key findings, options, strategies, and recommendations about future use and ownership of McNeil Island.
- B. Highlight proposed changes in use, any proposed changes in ownership, and the rationale for such recommendation.
- C. Identify associated deed requirements and other actions needed to resolve the state's role in the island's future.

The report should contain recommendations to the Governor and the Legislature about future use of McNeil Island, ownership, and funding needed to implement the recommendation(s). Elements of the report should also include:

- Statutory changes, administrative changes, and strategies needed to implement the recommended uses.
- Funding required for capital and ongoing operational needs.
- Documentation of the stakeholder and public engagement process undertaken in the project.
- An Implementation Plan with immediate next steps, timelines, and roles and responsibilities of each implementing agency.

An interim report should be submitted to the Governor and Legislature by October 1, 2014. The final report should be submitted to the Governor and Legislature by December 31, 2014.

Task 7 is estimated to take six months.

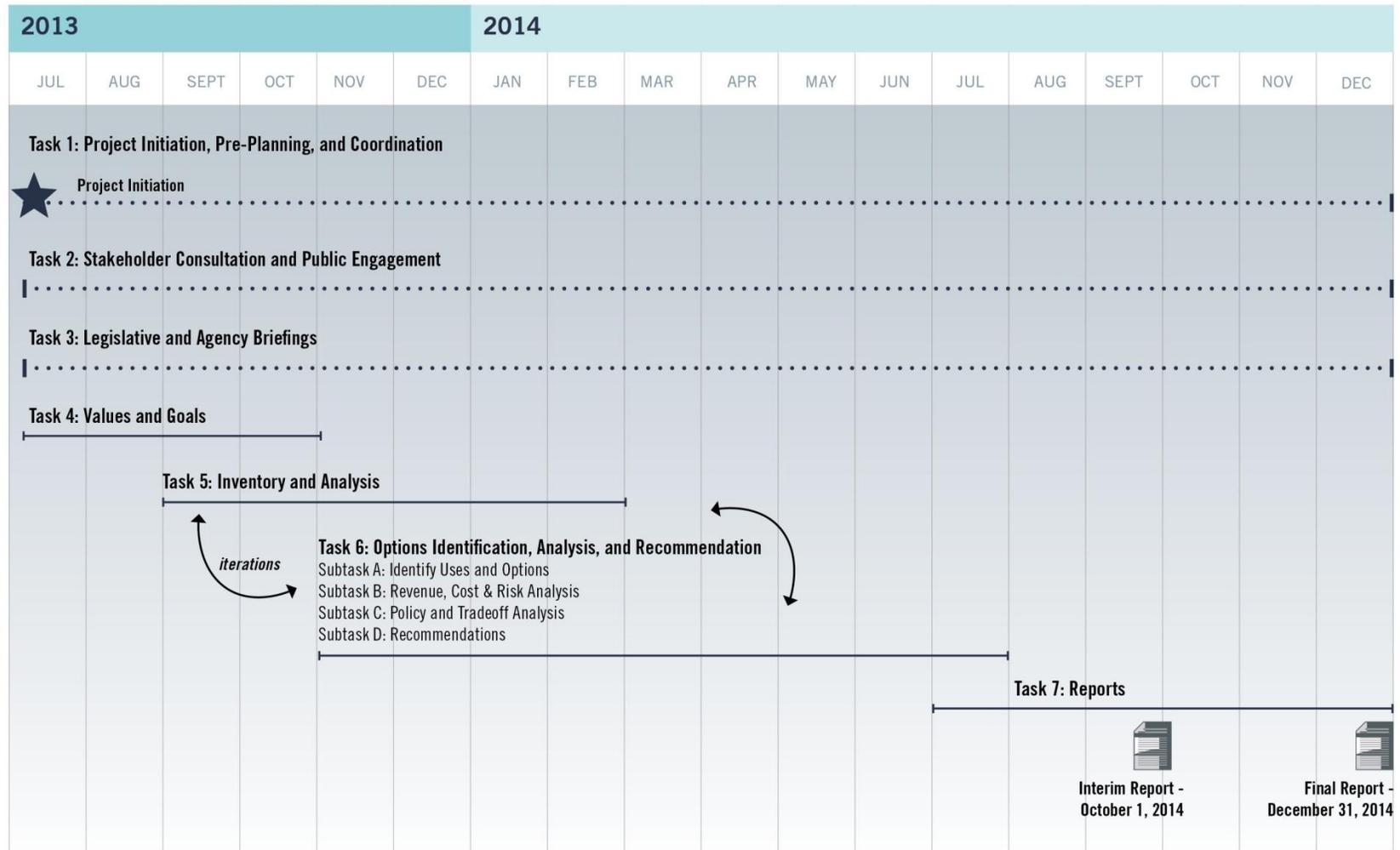
6.3 Roles and Responsibilities

Definition of Responsibilities

The Washington State Recreation and Conservation Office is the recommended agency responsible to serve in a project management role to lead the long-range planning process, subject to funding being appropriated or provided for this purpose. The recommended process is reliant on collaboration from multiple agencies, government partners, and other critical stakeholders. Estimated costs assume use of contracts for specific roles and tasks to complete the scope of work in the proposed planning process.

The Task Force is the group responsible to implement the long-range planning process. The Task Force may include representatives from appropriate state agencies, federal agencies, other governments, and additional key stakeholders. State agency participation is essential to the planning process. A policy bill or budget proviso could direct specific agency participation in the process.

Exhibit 22
Recommended Long-Range Planning Process for the Future of McNeil Island



ATTACHMENT A

List of Interested Parties

The proviso supported broad consultation with interested parties including federal agencies, tribal governments, state agencies, local governments and communities in the area, and interested private organizations and individuals. The list below shows governments, organizations, and individuals contacted about the project underway to prepare a report on the future of McNeil Island. A red asterisk* identifies participants in a briefing, meeting, or open house.

FEDERAL AGENCIES

U.S. Fish and Wildlife Service*

U.S. General Services Administration*

U.S. Bureau of Indian Affairs

TRIBAL GOVERNMENTS

Nisqually Indian Tribe*

Puyallup Tribe of Indians

Squaxin Island Tribe*

Steilacoom Indian Tribe*

LEGISLATIVE MEMBERS

U.S. Congressional Offices

Senator Maria Cantwell

Senator Patty Murray*

Congressman Norm Dicks*

Congressman Adam Smith

Washington State Legislature

Senator Mike Carrell*

Senator Steve Conway*

Senator Karen Fraser*

STATE AGENCIES

Department of Archaeology and Historic Preservation*

Department of Commerce*

Department of Corrections*

Department of Ecology*

Department of Enterprise Services*

Department of Fish and Wildlife*

Department of Health

Department of Natural Resources*

Department of Revenue

Department of Social and Health Services*

Governor's Office of Indian Affairs

Office of the Attorney General*

Office of Financial Management*

Puget Sound Partnership

Recreation and Conservation Office*

State Parks and Recreation Commission*

LOCAL GOVERNMENTS, LOCAL COMMUNITIES, AND INTERGOVERNMENTAL ORGANIZATIONS

Alliance for a Healthy South Sound*	Kitsap County
Anderson Island Community*	Mason County
Lakewood, City of*	Pierce County*
Steilacoom, Town of*	Pierce County Landmarks & Historic Preservation Commission
Tacoma, City of	
DuPont, City of	Thurston County*
Bremerton, City of	

INTERESTED ORGANIZATIONS AND INDIVIDUALS

McNeil Island Historical Society*	The Nature Conservancy
Washington Trust for Historic Preservation*	Nisqually River Council
Tacoma-Pierce County Chamber of Commerce	Nisqually Delta Association
Lakewood Chamber of Commerce	Tahoma Audubon Society*
Steilacoom Chamber of Commerce	South Sound Sierra Club Group
Economic Development Board of Tacoma-Piece Co	The News Tribune
Nisqually River Council	Q13 FOX News
Capitol Land Trust*	Descendants of Private Businesses, Homeowners, and Landowners on McNeil Island*
Nisqually Land Trust*	Former Employees and Residents of McNeil Island*
Pacific Coast Shellfish Growers Association	
People for Puget Sound	Non-Profit Organizations (not identified in groups above)
Puyallup/White and Chambers/Clover Lead Entity	
WRIA 13 (Deschutes) and WRIA 14 (Kennedy-Goldsborough) Lead Entity Coordinator	Private Businesses (not identified in groups above)*
The Trust for Public Lands	Private Citizens (not identified in groups above)*
South Puget Sound Salmon Enhancement Group	Consultants Involved with McNeil Island Studies*
Taylor Shellfish Farms	

ATTACHMENT B

Comments from Interested Parties

INTRODUCTION

The project team designed the consultation process to identify ideas and issues related to the future of McNeil Island. This summary of comments organizes all email comments, open house comments, and interview notes (not included in earlier parts of the report) in three categories:

1. Ideas for McNeil Island's future
2. Ideas for a future long-range planning process about McNeil Island
3. Interest in involvement in a long-range planning process if approved in the future

Themes within each category are based on a "per comment" basis. Some interested parties submitted comments through various channels (open house comments, email, in-person interviews) and may be represented across multiple categories. Comments received in writing are included in their original form as submitted and are unedited, except for removal of personal identifying information. Comments received through in-person or telephone consultations are summarized.

COMMENTS

1. Ideas for McNeil Island's future

Recreation, tourism, or group use

- Assuming the offender facility leaves and the federal government is not interested in gaining the property, create a State Park for public use; re-plant areas that are in correctional parcels or maintain usability.
- Let the Indians have and turn it into a hotel and casino, plus a 18 hole golf course, have large hydro boats haul people to the island or build a bridge from Fox Island to McNeil.

Sell it to the Hilton hotels or someone that want to have a classy hotel and golf course and keep the rest of island for a state park.

- If we need 1,200 beds for Corrections – returning it to a prison restricts access. A lot more people get access with a park.
- Consider re-purposing the correctional facilities as a museum. <http://inhabitat.com/former-prison-in-norristown-pennsylvania-reimagined-as-green-roofed-underground-museum-of-industry/>
- Given the deed status, it would be great for the Island to become an historic and National park and to be opened for the tax-paying citizens.
- I have always thought it should be a state park.

- Designate a large portion for recreational use. Explore the possibility of deeding a large area, if not all, to the federal government on condition that it be designated by the President as a National Monument under the National Conservation System (Bureau of Land Management). This could possibly accomplish the goal of turning it into a public recreation area while releasing the state from long-term maintenance and operation expenses.

It would be great if an extensive trail system could be developed on the island to make it a hiking/biking mecca. Also develop shoreline campgrounds as part of the Cascadia Marine Trail system (for kayakers and such). Possibly use prisoner labor to develop these trails (seems fitting given the island's history, as well as practical to lower costs).

Extend the Anderson Island ferry system to the island to make at least one, if not two, stops a day on McNeil, possibly for passenger traffic only (allowing for mountain bikes, kayaks, etc.). One run in the morning and another in late afternoon/early evening would allow people to explore the island by day then get a ride back later in the day. (Perhaps this would make economic sense only on certain days of week, like Friday/Saturday/Sunday).

Yurts or small cabins with fees to cover costs. Encourage "eco" tour groups. Small portion for vacation homes or possibly small resort development to help defray costs. Small farms. Youth camps.

- My interest in McNeil Island mostly pertains to the cove on the island's north shore. This cove is an ideal anchorage for recreational boaters with natural protection and reasonable anchoring depths. Its proximity to the Narrows makes it the most natural stopping place for boaters waiting for favorable tides. I realize the State Parks are having a difficult time funding their existing sites and programs, but this area is too unique and too beautiful to hand over to private developers. A marine park would require minimal infrastructure. Boaters would need a landing place with bathrooms and garbage disposal. Kayakers and small-boaters would want campsites. If any of the island is considered for parkland, please focus on the north shore.
- The most difficult thing is presence of Special Commitment Center. There's an opportunity of McNeil Island as a park or recreation given its beauty and the fact that it's an island and there is infrastructure in place (Alcatraz and Angel Island as comparable examples). That's an interesting idea, but probably wouldn't happen if SCC is still there, and I don't know what will happen with that.
- Do not sell the island. The plan should require a minimum of maintenance with the ability to maximize its recreational and educational value. Enhance the natural qualities of the island (ie. Leadbetter Park on the Long Beach Peninsula-other benchmarking that might be useful?)-some trail building, no road building- designated camp sites (Hope Island as an example). Utilize volunteer organizations where ever possible, keep the public involved in the care and maintenance-ownership. Allow for research led by Universities, forest management, wildlife, water resources, etc. Don't take forever to the resolve this issue. Make the island available ASAP even it means limited use. For example designate beaches away from the current prison, restrict movement in the uplands, work out the long-term full usage in stages as problems are resolved with current prison population transportation, etc.

- You can never have too many parks. That's a given. Parks for people are ranked as a public priority, a necessity, a part of our state's infrastructure. And as the state's population zooms toward seven million, attention must be paid to the dwindling amount of space available for public parks.

And nowhere is the need more critical than in Pugetopolis, the population-pressed area from Marysville-Everett on the north to Olympia-Tumwater on the south. This band of land is squeezed between the Cascades on the east and the Olympics on the west. It is dominated by the saltwater inland sea, Puget Sound.

And Puget Sound is where the need for parks is critical. Yet the opportunities for parks on Puget Sound are so rare as to be almost non-existent.

Except there is one big opportunity still available. McNeil Island. It is the last pristine, undeveloped, wholly public-owned island in South Puget Sound. But the public, who owns it, cannot even approach it. Promises were made but never kept. A Governor's Task Force in 1980 declared the island "a natural asset irreplaceable at any price."

"With its 12 miles of saltwater shoreline, virgin timber and acreage, wildlife and other natural amenities, McNeil Island is truly a unique place that the citizens of the state of Washington can enjoy in its natural setting for generations to come," reported the Task Force.

That report was made more than three decades ago. So far not one inch of the 12 miles of shoreline has been provided to public boaters. Not one weekend camper has been allowed on even a square yard of McNeil Island's 4,409 acres. The island, in all its pristine beauty, is still for all intents and purposes a prison colony.

The federal government abandoned its old penitentiary in 1980 as too old, outmoded and too expensive to maintain. The state took it over and immediately declared it would use it as a temporary state prison. The idea was to relieve crowding at the state's old prisons, particularly the State Penitentiary at Walla Walla and the Monroe State Reformatory. Conditions at these facilities were terrible, and the McNeil Island "temporary" solution was too tempting to ignore.

Temporary quickly morphed into permanent. The state spent millions of dollars to update the old federal facilities and build new cellblocks on the island. It was what the state prison officials had always wanted—a location to build new penitentiaries where there would be no citizens to object. There would be no "nimby" reactions, no "not in my backyard" public protests.

The promise of an Island-In-The-Sound public park was discarded. The 1980 Governor's Task Force's words faded away as another study to be placed on a shelf and forgotten.

But in the years since, the state has phased out almost all its prison facilities on the island. The ancient McNeil Island Federal Penitentiary is gone. Much of what the state built is no longer in use. All that remains is an institution to house sex offenders the state deems to dangerous to parole.

So 4,409 acres of what should be a public island remains hostage to a band of criminals.

The opportunity is there for a pristine island park, located right in the middle of population-pressed

Pugetopolis. There's nothing like it anywhere. There is nothing comparable to McNeil Island's potential for the enjoyment of future Washingtonians.

There can never be too many parks.

- It would be great to expand the state's wonderful marine park system with McNeil Island. Hope Island, Jarrell Cove, and McMicken Island are prime examples. Mooring buoys and possibly a dock for large boats, kayak access beach, camping, restrooms, water, hiking trails, wildlife sanctuary, bird watching. Minimize the development and maximize the wildlife aspects. Enhance Washington State's cache to the young and old that love the outdoors.
- Interest in sea kayaking and sea kayaking camping is growing by leaps and bounds, but the Puget Sound area suffers from very limited public access to shorelines. Our sea kayak group would like to see a portion of McNeil Island dedicated to a public access beach that includes camping that is limited to human powered boats (ie, kayaks or canoes.)

Kayakers tend to be quiet campers, and respectful for their environment, and it's really nice to have a quiet place to eat lunch at or camp overnight at, without having to compete with other types of boaters who can easily overrun a place and turn the area into a big party.

Washington Water Trails currently manages a series of these type of campsites, and they would be a good resource in helping to get this set up on McNeil Island.

- Turn it into a "Ft. Worden" in which the public has limited access – but controlled. There is a space for multi-conference events, a chapel, infirmary, and houses that can be rented out during a conference stay.
- I have been looking at the Island off and on from Fox Island thinking how beautiful and park like the Island looks. I often thought how wonderful it would be if Washingtonians could be so fortunate to enjoy this beautiful Island as a park. I am originally from South Florida and have hundreds of great memories of going to the public beaches. I didn't live on the water but was able to enjoy the beauty of what South Florida had to offer. When I came to Washington I was struck by how little there was of water front parks for everyone to enjoy. It seemed like the Washington consensus was that if you couldn't afford a home on the water you didn't deserve access to it. People who live and pay taxes in this area will just have to make due looking at the water from a far. For the past 9 years all I have seen from our boat was home after home on the water, which I'm sure most have septic tanks!

I pray that Washington allows ALL people to enjoy McNeil Island as a park and that the Prison center will be moved off the Island to an undesired area and the island will not be developed or commercialized. We need more parks in the Puget area for Boy and Girl Scouting , historical and Eco education and enjoyment of the beautiful nature around us.

- Appropriate public access for trails, recreation, environmental study as a wildlife and recreation area. Master plan.
- The other piece is, let's make the whole thing a State Park. We've got some wonderful islands – as other land is being developed heavily, it's a rare asset to have such an untouched island.
- I vote to make it a State Park.

- If public access and use of Island occurs, the DSHS Commitment Center security issues will conflict with this future use. Park and recreational use should be a priority with marine access, beaches, and natural areas drawing the public to this special area. Interpretation of historic and cultural areas is important too.
- I would suggest you consider the prison area be converted to a Marine State Park (This could be first class park with docks with floats for boats) and the rest of the Island, excluding the Sex Offender area, could be turned over to U.S. Fish and Wildlife for a refuge with some limited public access, e.g., a dedicated nature trail. A precedent for this model is Matia Island in the San Juan Islands. There's a small Marine State Park at the west end of the island while the remaining 85% of island is a U.S. Fish and Wildlife refuge with very limited public access on a dedicated trail around the island.
- I think the prison should be turned into an educational facility for naturalists. The island is of unique interest to the county and the natural sciences alike, where the forest meets the salty sound, there's little left so untouched as this island. It's something that should be protected (and logged no further!) and learned from. Turn the prison into a naturalists' resort or eco-friendly getaway. It could also be a place to put up all the visitors for the 2015 US Open!
- I believe McNeil Island needs to stay in the hands of the state. I understand the federal agreement will not allow the transfer of the land to occur and has some strict guidelines stating exactly what can occur. That said, I believe the state should consider boosting our ecotourism and forming a citizens advisory made up of local citizens and state officials who have some vested interest in the area of concern. I personally am a real estate professional who owns a beach cabin that looks directly at the island, I have no interest in personally developing the island, but would be happy to volunteer my time to make the island an income producing facility for the state as follows:
 - 1) We must remove the Special Commitment Center. It is an expensive facility to have on the island and will deter any tourism that may occur on the island.
 - 2) The west and southeast shorelines that have been cleared should be developed with buoys and campgrounds for the boating public with boat access only.
 - 3) The employee houses should be allowed to be reopened with overnight and weekly rentals for vacationers.
 - 4) Allow the prison to be remodeled or a new building to be added for overnight accommodations with prison tours in the old facilities.
 - 5) Enlarge the current ferry facilities for a transient marina that would also include privately funded passenger ferries allowing visitors for day trips and for the items listed in #3 and #4 above funded by the operator below.

The advisory board would seek private development and management of the island by a resort operator that would operate it similar to a state park, but as a for-profit venture on a 10-15 year basis under contract. The McMenamins brand seems to be a model to use as an example here.

From this starting point the possibilities are endless; from fishing, boat tours, to kayak tours. Too many people live in Washington State without experiencing Puget Sound and its finer points. This would give many the direct access they need.

- First, I think it should remain (a portion at least) as a protected sanctuary for wildlife, including birds. This portion of the Island should not allow any powered vehicles to enter this protected area. Only bicycles should be allowed. To create jobs, bikes could be rented and/or rickshaw type bikes also could be rented with a driver, this would give our seniors a way to traverse the area. Fees from these owners of the bicycle business could go toward the support of the Island. The ability to run this business should be raffled off with these fees put toward the support of the Island.

No motorized boating should be allowed. Kayaking, canoeing, etc (non-motorized) should be allowed around the Island, THE NUMBER OF THESE NON-MOTORIZED boats should be limited, with pre-scheduling and a fee collected and rules about where they so as to protect the wildlife. All fees go toward the support of the Island. The operation of these businesses should be raffled off with the raffle fees going toward the support of the Island.

Next a section of the Island should be set aside and divided into parcels for non-chemical growing of fruits and vegetables. These parcels should be raffled off, for a cost, to Churches, Food Pantries, co-operative extension groups, and non-profit community groups. The raffles should occur every three years on staggered calendar. All raffle fees go toward supporting the Island.

Finally a section of the Island, with a section of shore should be set aside for people to come and relax, swim if possible, picnic, relax and enjoy. A limited number of people should be allowed daily so as to preserve the various uses of the land and its quietness. This area should include a couple of restaurants, one a take out food type and one a sit down type. The right to operate a food service should be raffled off every five years, with renewals dependent upon an objective survey of client satisfaction carried out by a local University. Annual fees should be charged for the contract and a fee should be charged to enter the raffle, all monies go toward the support of the Island. If a part of the prison could be used to house a restaurant, it should be used.

All of these uses require fees/costs toward the support of the ISLAND and should limit the numbers of people who visit each section through the use of reservations. Each sectional use creates jobs.

Various fees could be charged for : single, family, and group outings.

Additional jobs would be created by individuals operating a boat taxi service. To operate this service, an annual fee could be charged toward the support of the Island. This taxi service should be raffled off with raffle fees going toward support of the ISLAND

Also, anyone caught entering the Island without approval/reservation, would be charged a larger fine in order to protect the Island, and these fines would go toward the support of the Island.

Lastly, a Volunteer Group should be organized who are trained on each section of the Island and who would be able to answer questions about the Island's history and uses of the day. This could be mirrored after the NATIONAL PARK SERVICE. Tours of the prison could be used

Also, there should be souvenirs available for sale: post cards, T's, medallions, etc. A fee charged on all sales and to the company that does this. These Souvenir stands/space would be raffled off every three years for a fee. An annual survey of client satisfaction, conducted by the University used earlier, should be carried out annually and future renewals dependent upon results.

Another thought, a fiscal feasibility study should be done on the prison as to whether it would be better to tear down: all or part, and whatever it could be used for as part of the earlier Island use suggestions. For instance, it could be used to store bicycles and farming equipment and storage for restaurants.

Finally, the Legislature should set an annual percentage of costs that had to be raised by the Island itself, with a percentage sought from Corporations/Foundations/Grants, with the balance percentage provided by the State. In addition, the Legislature should consider that it would provide a higher amount of money the first five years (its amount decreasing reasonably, during those five years). This is reasonable since it takes about five years for a business to establish itself.

- Use Prison as educational facility for State Biologists/Universities for environmental studies. Office/staff housing at key sites and warm closure w/ timers at other historic homes.
- Some years ago, while the college engineer, for the Evergreen State College, in Olympia we looked into developing a marine, water quality and aquaculture study program for the Puget Sound, from the Straits of Juan DeFuca down to Olympia. One of the main reasons was that the State of Washington had a dock and some upland facilities at Gull Harbor, in Budd Inlet, in Olympia and the college was approached by the State to see if they might care to develop an academic program for the facility. The dock facility was in bad need of repair and the upland facilities were not at all suited for teaching on any major scale, nor were the labs in a useable condition. Given the cost to implement the needed changes and upgrades the college decided not to pursue this opportunity. One of the crying needs which came out of this study was that no one, at that time, was doing any meaningful water quality studies, aquaculture studies or inventory of marine species studies in the Puget Sound waters. The University of Washington had a very well recognized oceanography program, but their work did not include the Puget Sound and the inland water ways.

The above history is shared because it seems to me that what McNeil Island represents is a totally unique opportunity on how the lands and beaches in the Puget Sound area were some 200 years ago, and how they might be returned to a similar level of quality and what would it look like if it was. Should Evergreen not be willing to develop such a program for the State of Washington, then pass the opportunity onto another educational agency that would. Seems like a properly developed educational program along these lines would benefit not only the general tax payers but the Native Cultures, Business, Industry and government land use topics. Additionally, there might be some opportunities for local yacht clubs to develop an outreach program for the major dock area, by leasing the land from the State of Washington.

- Any future plans for the use of McNeil Island should include an airstrip. It need not be fancy, just a 3,000 foot (or longer) hard surfaced landing strip for general aviation aircraft to include a parking / tie down area.
- I would suggest that you reserve a part of the island water front (lake and Puget Sound) to the Boy Scouts of America for year round camping. This would be a wonderful location for this organization. It would be most useful for summer camp programs, but would most likely also be used year round for other various camping opportunities.

I would be more than happy to assist in making any arrangements necessary for this to become a reality.

- I would like to add my comments to the planning for future uses of McNeil Island, to set aside a portion of the Island for use as a Boy Scout, Girl Scout or youth group camp. I believe that this would be a great place for kids to go in the summer, and experience life on an island. We could have a partnership with local area Scout Councils (Boy Scout, Girl Scout, Campfire Boys & Girls, Boy's Clubs, etc.), and manage the property jointly. As a part of their services hours, many of those organizations would volunteer their time to help fix it up, keep it clean and be a valuable part of the overall positive impact it would bring to the community. With the close proximity to the Tacoma area youth, it would be a very popular destination, without the long drive to the mountains.
- It should be established as a park and educational facility (contracted out to Disney World??). Ferry fares and use fees would be charged to pay for the cost of maintaining it.
- Once clear of all incarcerated population, the Island could be rented out for profit by the State such as:
 - Boy scout camps
 - bed and breakfast for tourists
 - wild life studies and guided tours visiting the old historic prison built in 1936
 - retreats for big companies
 - drug and alcohol rehabilitation facility
- M.I. is an opportunity to turn it into a resort & spa, park & local tribe dinner & dance lodge. Boats can ferry golfers back & forth to the Chambers Links golf course, especially for tournaments.
- Private Investment. While there may be some role for private investment, it should be clearly on a concession or a leasehold basis. This takes place today on the National Parks. There is no need for any city expansion or further urbanization in Pierce County, as there is insufficient population growth in the region. This is documented in county planning documents.
- Set aside a portion of the Island for use as a Boy Scout, Girl Scout or youth group camp. There is a similar facility in Montana called "Melita Island" that is a great place for kids to go in the summer, and experience life on an island. We could have a partnership with local area Scout Councils (Boy Scout, Girl Scout, Campfire Boys & Girls, Boy's Clubs, etc.), and manage the property jointly. With the close proximity to the Tacoma area youth, it would be a very popular destination, without the long drive to the mountains.
- Turn Still Harbor into a safe haven for boaters to come into for overnight stays with access to the docks and placing mooring buoys in the harbor. Money can be raised for upkeep by fees collected from the boats using the dock and buoys. I volunteer to help support this effort, and will offer my tug boat the Reliance to assist in any way it can be used. I belong to the Retired Tug Boat Association and can get other tug boats involved.
- Presently the Boy Scouts of America Sea Scout program uses a 90 foot Sail boat and a 75 foot power boat. These boats are located in Tacoma on the Thea Foss Waterway. There are very few south sound areas that these boats can go and dock. It would be a wonderful addition to the Sea Scout program to be able to use the Island as well as to take visiting scouts to the Island to see it's natural beauty.

- There is a large market for companies in the NW who want to boat or float plane to scenic areas, use homes for weeklong events. The schoolhouse that stands (there used to be a bowling ally in the basement) would be a great event space for meetings with unique opportunities for visitors to enjoy. There used to be an outdoor pool that could be revamped and be an attraction for families with young children. In addition, we would benefit from our own Pacific Northwest Alcatraz. The money generated in tourism alone would assist in keeping the historic landmark alive and functioning.

The PGA tournament will be at Chambers Bay in 2015. There has been talk about a cruise ship being brought in and staged on the bay. That does not make sense when we have homes, of different sizes and space across the bay. You can see the Island from Chamber's Bay Golf Course. We could use the Island as an experience for those who want to stay in a unique venue during the tournament. We can use a Washington state Ferry and other private yachts for smaller transfers.

Here is a recap of the use for McNeil:

- 1) Use as a corporate retreat and excursion destination
 - 2) The prison becomes an "Alcatraz" here in the NW that is run year round
 - 3) The homes are used for the 2015 Chambers Bay Golf tournament for media, players and anyone who wanted to rent a home or room
- A combination of commercial-tourism and State Park with marine emphasis. Perhaps a Tribe could develop a resort at one end incorporating the existing infrastructure and their deep pockets.
 - The major obstacle the Island presents is access. In order to utilize any of the island for some sort of commercial or business type of venture some sort of bridge or other similar structure in the Pitt Island area of the site needs to occur. Seemingly, it would make most sense for the State of Washington to play an active role in seeing that happen should you pursue any avenue which could lead toward any commercial or business use of the Island.
 - Make McNeil a State Historic Site offering living history engagement and eco-tours by shuttle along the Coastal Road - similar to Alcatraz along with NW Trek. Making McNeil a Tourist Destination would open up a corridor from I-5, stimulating the economy along the way, especially in the State's first town - Steilacoom, who's quaint facade could be tied to McNeil as part of a historic business corridor. This would bring in money to the State and the on island agencies, who could keep their offices at Luhr Creek or Eden Creek, etc. This would stimulate the economy, create jobs and protect the environment by still limiting access and keeping the interior environment pristine.
 - Let private business make recreation a priority. It is a great site for saltwater activities – trails, etc.
 - Pierce County Executive: Pierce County does not support privatization and extensive development of McNeil Island.
 - Town of Steilacoom: Locking McNeil Island from public access is not serving the public well. The state could coordinate with a private developer to develop McNeil Island as a biking, hiking, camping, and tourism area (similar to Rosario) with no cars on the island. The amazing views on the island looking back at Mt. Rainier mean a high value housing development might be possible. Establish a footprint to accomplish a non-motorized location for community activities, vacations, and day trips to benefit the state. The state could support this type of economic development in communities to bring biking, hiking, environmental groups, and developers together. McNeil Island is a unique destination so the state should use the uniqueness to draw private dollars – the island could become a jewel for the state. If the future involves opening McNeil Island to public access, revisit the idea of a causeway across to the Key Peninsula (which was discussed approximately 15 years ago).

Wildlife or ecological preservation with public access

- The Black Hills Audubon Society is responding to the request for public comment on the Long Range Planning opportunities for the future of McNeil Island. We strongly support options that would ensure conservation of the land area and consideration of state use of the surrounding marine and nearshore areas as a marine reserve with opportunities for public access along the shorelines and for recreational use.

The above options are in line with the conveyance, in 1984, of the federal government transfer ownership of all of McNeil Island to the state on the condition that it be used for public benefit purposes. In addition, through a 1984 quitclaim deed, the federal government conveyed over 3,100 acres of McNeil Island along with Gertrude and Pitt Islands to the Washington State Department of Game (now the Department of Fish and Wildlife) for use for wildlife conservation.

McNeil Island would be best served as a National Wildlife Refuge, and the surrounding marine waters as a marine reserve for public benefit. Together these actions would support state and federal efforts to restore Puget Sound.

- One of the unique things is that it's an island habitat that is the most undisturbed in South Puget Sound. There are no other islands at this scale. This is a rare opportunity to not only to retain it this way, but to restore it. USFWS has a structure in place to identify focus areas for conservation – this is one of the priorities nationally. The priority is to look at landscape-level protection – The Puget Sound is a high priority for looking at landscape level protections and McNeil is sizable and representative of the ecosystem. If there was recreation and public access – they would need to see what that would be like. If it's allowed, it has to be compatible with the primary purpose of the refuge – wildlife conservation. Public access would have to managed for environmental functions.
- Seems that a 4400 acre Island which remains in nearly pristine condition, as far as the actual tidal beaches and adjacent uplands go, represents a rare option and opportunity to study. Some of the upland acreage has been, over the years, used for farming enterprises and it not clear to the degree chemicals might have been utilized to support that activity. But needless to say the entire site is totally unique and consequently represents some unique opportunities for all the citizens of the State of Washington to benefit from. There will never be another site as unique as this one, and preservation of it's specialness needs to be upmost in your decisions.
- Keep the island as a wildlife conservation area.
- It is a marvelous place that can accommodate some human activity while sustaining very significant habitat. Both these need to be included in planning for the future of McNeil Island.
- In the long range, it might be good to have the SCC off the island – and have majority of it in habitat protection with some public access for recreation. The state could look into bringing in some non-profit land trust groups.
- Full-scale restoration of ecological function of systems on the Island – prairies, shorelines, salmon runs, etc.
- Habitat preservation and public access are pretty compatible. The island could have a formal system for trails and campgrounds, which often is better for the environment, so that people don't put in their own trails.

- I am the Marine Reserve representative for Sierra Club in the state of Washington. I have been a participant in the advisory groups for the Puget Sound Rockfish Conservation Plan (PSRCP), Marine area 4B, Rockfish Recovery Workshop and the ongoing Rockfish Recovery Work Group.

There are three things unique to the state of Washington - things which the PSRCP and the Rockfish Recovery Workgroup and Puget Sound Partnership will hopefully begin to correct:

First, the state of Washington has the largest number of endangered marine species of any state or province (BC) in North America. For Puget Sound, the principal reason our groundfish have so many endangered species is due mostly to historical overfishing. This is a situation we have inherited from a prior inadequate understanding of oceanic ecosystems and consequent management decisions.

Second, according to the American Fisheries Society, which is the premier fisheries management organization in North America, the fisheries of Puget Sound are the most depressed in North America (1). The second most depressed fisheries is the Indian River lagoon system in Florida.

Third, unfortunately the state of Washington is at the tail end of states and provinces creating networks of Marine reserves. Alaska, British Columbia, Oregon, California and possibly even Mexico at least for the Baja Peninsula, have better networks of MPAs and Marine reserves than does the state of Washington. Unfortunately, as you are well aware the MPA workgroup (2) and now the Puget Sound Partnership (3) detailed a considerable array of protected areas throughout Puget Sound. Unfortunately, in spite of this extensive network of MPAs, traditional fisheries regulations have failed to provide adequate protections for our rockfish and other groundfish due to historical overfishing and their long life cycle and slow reproductive capabilities.

Networks of Marine Reserves, in conjunction with traditional fisheries management practices, have proven themselves to be the best and most cost effective fisheries management tool to restore endangered species populations and depressed fisheries of vulnerable species. Please refer to the addendum (4) and list of citations specific to marine reserves in this letter. Although a network of marine reserves has many benefits, there are three principal advantages to having such a network:

First, since the fish living within a marine reserve are in protected habitat and protected from any form of fishing, they can grow quite old and large. Large old fish have enormously greater reproductive potential than smaller fish from fished populations. One example will demonstrate this. An 8 inch small Copper rockfish (*Sebastes caurinus*) female, which can live 50 years, can produce about 16,000 eggs. A 22 inch female can produce 640,000 eggs (5). That is an increase of 40X times. Research also shows old large fish produce offspring that are healthier and more genetically fit. Old large fish with enormous reproductive capacities are the reason that marine reserves restore depressed fisheries. After a recovery period of 5 to 8 years for temperate marine waters, marine reserves typically create a trophy fishery around their edges.

Second, the pristine habitat within a marine reserve will have a fully developed ecosystem and food chain within that ecosystem. Research and monitoring of that pristine ecosystem is extremely useful for state fish and wildlife departments. They can compare management protocols for fished marine habitat compared to the control of an unfished marine habitat. This comparison will allow them to develop an evolving protocol for A sustainable fisheries for all vulnerable species and act as a buffer for fisheries management mistakes.

Third, a network of Marine reserves will help preserve rare and unique habitats, species and marine communities and maintain the biodiversity of Puget Sound. It will also protect very sensitive habitats and in nearshore environment which are fish nurseries for both salmon and groundfish. In addition, research is beginning to show that the different basins and sub basins within Puget Sound waters have unique environments and uniquely adapted organisms living in them with very real biogeographic differences.

Because Puget Sound has a large number of endangered marine species, the first step to their recovery is to establish critical habitat. Critical habitat for these species could be established within a network of marine reserves. Early work identifying high biodiversity sites in Puget Sound was conducted by the Washington State Department of Natural Resources (6) Since McNeil Island was used as a prison facility, the waters surrounding the island were patrolled to keep people away from the island to prevent them from assisting escaping inmates. Protection for the prison meant no fishing and no economic development. This is an area of 5271 acres or 8.24 square miles in size. An area of this size is large enough to support populations of several endangered species. The marine waters around McNeil Island, along with Gertrude, Pitt, and Eagle Islands should be designated a “no take” marine reserve as well as a National Wildlife Refuge. “No Take” means that no living organism is ever harvested. Harvest can occur outside that area. In June of 2006, the Washington Department of Natural Resources published Priority Marine Sites for Conservation in the Puget Sound (6). McNeil Island is the largest and best site with the highest biodiversity in South Puget Sound. In fact, McNeil Island is the “top priority site for the South Puget Sound subregion” (p.7). I must also point out that McNeil Island and the Marine waters around it do not require habitat and wildlife restoration. They just need continued protection under better management protocols.

McNeil Island should be returned to the Federal Government where it should be transferred to the US Fish and Wildlife Service and used to establish a National Wildlife Refuge and also included as part of a network of Marine Reserves within Puget Sound. There is no larger or more pristine island ecosystem in Puget Sound available for protection for restoration and enhancement of wildlife and it’s habitat. Looking at the island on Google Earth, it would appear that about 60% of the island is still forested and relatively untouched. The remaining 40% is developed, as you know as a prison system with a long and colorful history and a cast of famous prison inmates who have gone on to be movie entertainment legends. The island has a very rich history (7, 8, 9). The developed portion of the island should be preserved and converted into visitor facilities so the American public could visit the prison and it’s history as well as the surrounding wildlife refuge. Access could be done through the existing ferry terminals on the island and at Steilacoom. Since McNeil Island is quite close to major metropolitan cities in the state of Washington, a marine reserve around the island could also provide an incomparable “on the water” site for education about our marine heritage in ways that no aquarium could ever provide. McNeil is an opportunity for the state of Washington to create a fantastic example of ecosystem-based management as a way to sustainable fisheries and ecosystem protection and restoration as well as preserve an important work of American history. Careful planning for the future of McNeil Island would enhance and diversify Washington's educational, economic, social and recreational opportunities as well as restore our fisheries and ecosystems.

Clearly we need “no take” a network of marine reserves within Puget Sound to restore it’s ecosystems and rockfish and other groundfish. Clearly, McNeil Island presents a unique and

significant opportunity for the state of Washington to accomplish multiple important socio-economic goals all at once.

- I am opposed to having the State view McNeil Island as a source of cash to fund state programs.
- Public uses should predominate, outside of the land required for the Special Commitment Center. Fish and Wildlife should be the major long range goal, for most of the Island. State Corrections should make long range decisions to help the Island, and the State should identify demolition costs for the main prison. State decision making should be done and the project should not revert to the federal government.

- The best use of McNeil Island would be as a National Wildlife Refuge.

When the federal government decided to begin closing McNeil Island as a federal prison in 1976, citizen activists formed Friends of McNeil Island and began working to have McNeil Island established as a National Wildlife Refuge under the U.S. Fish and Wildlife Service. Despite warnings that the state could not afford to take over the decrepit prison facilities, McNeil Island was conveyed to the State of Washington for use as a state prison and state wildlife refuge. Since 1990, the state spent \$165 million on various upgrades to the island facility, money it could ill afford to spend. Meanwhile, the Washington Fish and Wildlife Department has done little but passive management of its portion of McNeil Island.

According to the Public Lands Information Center:

“The McNeil Island Wildlife Area also includes Gertrude and Pitt Islands. McNeil Island, by far the largest of the three islands with 4,449 acres, remains largely forested. Second- and third-growth forest now covers nearly three-quarters of the island. Wildlife may have benefitted from previous developments through the creation of edge afforded by the numerous pastures, water impoundments, cereal grain fields, and fruit orchards. Gertrude Island has the largest haul-out site for harbor seals in southern Puget Sound. The most visible wildlife on McNeil Island is the large population of Columbian black-tailed deer. There is a heron rookery and bald eagle nesting on the islands. Waterfowl, many other bird species, and small mammals also use the islands.”

<http://publiclands.org/explore/site.php?id=4656>

The purpose of a refuge is just that, a refuge. With limited exceptions, such as Protection Island NWF, most state and federal wildlife refuges are adjacent to other, more intensive uses. McNeil Island is this state’s best and largest opportunity to provide protection to an island ecosystem that is not threatened by contiguous uses with adverse impacts. Therefore, attempts to generate revenue from and necessary to support potential future uses of the island are likely to directly threaten the wildlife habitat and values that make McNeil Island special. Despite the fact that 3,100 acres of McNeil Island along with Gertrude and Pitt Islands was conveyed to the Washington State Department of Fish and Wildlife for use for wildlife conservation, no conservation or environmental groups were included in the Project Work Group. No public hearings were held, other than two poorly advertised “open houses” in late August.

In summary, the new Governor and the Legislature, as well as McNeil Island wildlife, deserve better than a hasty report listing economic opportunities for use of McNeil Island. The State of Washington and McNeil Island would be far better served by arranging to have McNeil Island transferred back to the federal government through GSA to the US Fish and Wildlife Service, with establishment by Congress of the McNeil Island National Wildlife Refuge.

- Open Space and Wildlife Preservation. The majority of McNeil Island should be retained as open space with wildlife preservation and passive recreation set forth explicitly as a land use goal. There is a shortage of shoreline and wooded areas with public access within central Puget Sound. Urban populations near Seattle, Tacoma, Bremerton and Olympia will continue to grow at a great rate. This is documented in State and county level planning documents. There will be an increasing need for wildlife preservation, trails access, and clean air and water, especially in the urbanized areas. McNeil Island can meet some of this need.

- McNeil Island should be returned to the Federal Government. This would allow McNeil Island to be transferred to the US Fish and Wildlife Service and established as a National Wildlife Refuge. There is no larger island ecosystem in Puget Sound available for protection for wildlife and habitat restoration and enhancement. I am opposed to having the State view McNeil Island as a source of cash to fund state programs. And I also want to state my absolute condemnation of both USFWS, and WDFW on their use of pesticides as a part of habitat restoration. And I also know that unfortunately many of the land trusts like the Nature Conservancy and the Columbia Land Trust are just as misdirected.
- McNeil Island should be returned to the Federal Government. This would allow McNeil Island to be transferred to the US Fish and Wildlife Service and established as a National Wildlife Refuge. There is no larger island ecosystem in Puget Sound available for protection for wildlife and habitat restoration and enhancement. I am opposed to having the State view McNeil Island as a source of cash to fund state programs.
- In terms of future use – DFW probably has the largest stake in it. ECY wouldn't want to see anything that would further degrade the water quality in the Puget Sound. But they try to not unnecessarily prohibit recreational activities.
- Regardless of what the future holds for McNeil Island, the harbor seals at McNeil Island need to be protected. Still Harbor at McNeil Island is the largest breeding area for harbor seals in south Puget Sound. Harbor seals are resident in Still Harbor year round; they are present in highest numbers during the pupping/breeding/molting season which lasts from June to December. At present, Still Harbor is the only harbor seal rookery in south Puget Sound where the harbor seal population is free from human disturbance and boat traffic because of its closed harbor status. It is the main site of a 30 plus year cooperative study by WDFW and NOAA's National Marine Mammal Laboratory on harbor seals in Puget Sound.
- My personal interest as a boater is for the wildlife sanctuary. The wildlife sanctuary is amazing, I love it as a boater.
- I would like to see it remain protected for wildlife – at the same time it would be nice to be able to visit the island. Perhaps a limited access park – reservation only – on certain part of the island and other areas that are protected, off-limits. It could be set up in a way that would allow the public to view wildlife they would not normally see. It could be an extremely cool and unusual park that would protect the wildlife but not exclude the public.
- Conservation ownership and management and restoration plan.
- Wildlife sanctuary/including tidelands – some dedicated areas for non-motorized camping via water or bike. Allow Pierce County ferry to operate only on weekends to allow walkers, wildlifers, bikers to property. Above all else, keep in most natural state.
- The natural systems of groundwater, clean air, etc. will go quickly away unless people are restrained from doing what we do – over populate, create junk, and throw it all over, pave everything, kill, stomp and light and night, and make way too much noise. Contact "Earth Economics" for info on what natural systems are worth.
- With the amount of efforts and concern for the rehabilitation of Puget Sound, highest priority must be given to maintenance and restoration of natural areas and species protection. It is certainly cheaper and easier to retain existing environment than to try to restore devastated areas. These islands have been protected for other reasons as well and must not be wasted.
- National Wildlife Refuge

- McNeil Island is one of the last natural treasures of the south Puget Sound. We have a rare opportunity to preserve this land for public recreation and conservation. It is our responsibility and the right thing to do. Please consider this in your decision making,
- The island needs to be allowed to become a natural habit and sanctuary for research and study. Perhaps a small commercially run museum and event center for rental of small weddings, ceremonies and family events. Thank you
- I would like to note the valuable, near pristine beaches on the island and that they should be preserved and protected. There is a seal rookery that also something that should be protected on the east side of the island.
- Return to federal government to ensure federal protections for natural and cultural resources.
- Considering the cost to operate the ferry, and the small amount of the island owned by DOC, it seems that this facility should be also turned over to DFW and the buildings demolished.
- I read through all of the possible ideas of what McNeil may become and the decision I agree with is also the cheapest and easiest one of all. If we simply "Leave McNeil Alone", the islands incredibly rare, uninterrupted coast will be a marvel of natural beauty revered by the rest of the world. I fully agree with the environmental enthusiasts who want McNeil to remain undisturbed by possible casinos, gas stations, power lines and other environmentally hazardous implications. I am well aware that there are many in this state who have the same stance as me, who want to enjoy McNeil in all of its natural glory, which once we take away will be gone forever.
- Keep it natural with no commercial/real estate/casino type development.
- Habitat areas should be stewarded and studied. Agricultural use of Island could benefit regional communities.
- Alliance for a Healthy South Sound Executive Committee: The Alliance Executive Committee recommends a discussion of the wildlife conservation function of the island and a range of management options, including but not limited to, the possibility of a park or refuge that would include limited public access.
- Pierce County Executive: Pierce County is supportive of moving toward natural conservation of McNeil Island with the ability to have passive or limited public access. The best alternative is for the federal government to make McNeil Island a wildlife preserve or park and give Pierce County access to the island. Pierce County is interested in the federal government assuming a stronger role through the National Park Service or U.S. Fish and Wildlife Service.

Correctional or group facility

- McNeil Island should really be a prison because of the infrastructure there and it is ultimately better for the environment...It's a "no brainer" to use McNeil to address the prison bed shortage, which is partially caused by the decision to close McNeil Island. Also, the prison can be easily reconnected, and would ultimately be cheaper than to build a new prison.
- Keep it as a State prison.
- Use Prison as a Prison or a multi-state Sex-Offender Prison - decrease size and frequency of transports and deliveries, use inmate labor to maintain facilities/marine ops and operate farm/orchard/ poultry/dairy/cattle/piggery as in the very self-sufficient BOP days - hugely cost-effective and good for the internees' mental/physical state as well.

- I also don't think prison reuse should be ruled out. Reopening it should be on the table as well.
- The fact is that the existing facility could be used as a privately run correctional facility, since it is still pretty operational. A contractor can run the prison. There may be a different population that could use the facility. The state should also look at the cost of taking prisoners out of the state and compare with the savings for using this facility.
- Couldn't the prison have at least been considered for using it as an overflow for rent a beds and then use the revenue from other states to maintain the facility? Why couldn't DOC use the same methods that the Feds did for keeping down costs? The island was completely self sustaining during its day and could have been again. McNeil had its own dairy, bakery, piggery, gardens, orchards, cannery, meat plant, laundry, etc. The inmates were kept busy and had a purpose for their days. With the cost of everything going up, why didn't some genius think of a way to bring the cost of running an island prison back down? Saving the prison, an island community, hundreds of jobs and the town of Steilacoom too with the extra revenue prison employees brought in.
- Not to be too hasty to make major, irrevocable changes to the Island. Given that more correctional facilities will be needed in the future at some point, and the facility was recently ACA accredited prison – keep it “moth balled” and re-open as a prison. This would be my first choice – any development would be my second choice.
- Keep it as a State prison. Repair the current prison and operate it at full capacity. Add a new 500 bed camp. We need prison space now!
- Best use is a prison/prison labor camp for the first time or non-violent offenders needing lots of rehab. Possibilities with the new sustainability on Prisons Projects and Inmate Labor. McNeil can be sustainable-run a smaller boat, make fewer runs, use houses for SCC housing and security guards. Give homesteaders back their property and house. Stop the greed and corruption DOC!
- Bring the Island back to its full working capacity to include the farm, livestock, orchard etc. Fix up the houses for living, preserve/fix the historical homes. As someone who used to live on the island we were already living an environmentally friendly lifestyle, we were part of a real community, a family. With the inmates doing the work, having had to earn trustee status, not only did the work, but learned a trade, saved the State money – each inmate costing less per capita and becoming a productive member of society when released. The sex offenders need to be moved to a desert style environment required to work digging ditches – they are way too expensive for anything else.

Also to be included – the running of the store, gas station and post office as well as a small medical clinic with that staff also working in the prison/on call. When I lived on the Island, volunteers ran the store and gas station and could utilize the store for postal needs when the store was open. McNeil is easily best up and running at full capacity complete with employees living on the island. Also some possible public use – example – touring of historical restored sites, educational tours, etc. Reopening McNeil would easily be in the best interest for everyone.

- Alternatively the Prison could be a drug-treatment facility or education/workfare/job-fare location for youth offenders or 1st time offenders who could opt out of jail time by doing drug rehab while working community service time on island, thereby decreasing the rising costs of warehousing a growing percentage of the US population. By working on the island, not only would they lower per capita costs by providing much of their food, they would acquire skills by maintaining facilities: animal husbandry, agriculture, landscape maintenance marine boatyard, firehouse, carpentry/construction/architecture, basic machine shop, mechanical skills for on island vehicles. As their time and knowledge increased they could become a crew foreman thereby growing in responsibility, accountability and personal integrity. Really endless possibilities for personal betterment, avoidance of a labeling jail term and less long term prison costs for the state - an overall win-win outcome for society.
- Use it as a homeless center along with rehabilitation and training.
- Pierce County Executive: Pierce County emphasizes no more correctional facilities on McNeil Island.
- Town of Steilacoom: The Town of Steilacoom has never taken a position in opposition to the location of a correctional facility on McNeil Island. The Town of Steilacoom is supportive of reopening a correctional facility on the island. The state should reopen the prison if it needs more capacity or consider using the existing facility as a privately run correctional facility.

Archaeological and historical considerations

- We look at adaptive reuse as an economic development tool. It's important to keep historic resources with their integrity, but bring them up to the present. But this is a bit more difficult particularly because of the deeds—I hope they won't restrict the creative use of the island going forward.
- Our interests are really the cultural resources we know to be on the Island—both built environment and also archaeologically speaking. But also the cultural landscapes as well. It's a three-pronged interest. And I don't think that those are at odds with some of the other interests in the Island.
- Historic Interpretation/Demolition of structures
- From historic resources perspective—if they're not being used, they go away. To have those buildings actively used would be our ultimate goal. They're needs to be a cultural resources management plan component regardless of what happens.
- There is an incredible wealth of archaeological and historic sites present on McNeil and a proactive approach to preserving them for future benefit is certainly the way to go and can easily be achieved via collaborative cost-effective use of current facilities by multiple agencies. As noted the lease is very amendable and work-arounds such as Historic Monument status abound.
- Maintain and preserve historic structures. Consider limited access/perhaps renting historic structures.
- Maintain historic homes and get them listed on the National Historic Register so funding can be obtained to maintain and sustain them as a living history museum for public enjoyment.

- As a former Island Resident and a part to the McNeil Island Historical, I strongly feel that the Island needs to be preserved and a Living Historical State Park. There is too much history on that Island that it would be a shame to throw it away. The state has made a park out of Ft. Worden, in Port Townsend, and Ft. Flagler, why can't they make a state park out of McNeil Island. They could gain from the proceeds from the park from visitors, and at the same time restore the buildings as historical monuments.
- Historical Interpretation and development of appropriate public access
- Historic sites need a plan for preservation and public appreciation of historic structures.

Homesteader interest

- Give the heirs back their homesteads
- Original homesteaders get the land back
- Please consider properties be returned to McNeil Island heirs.
- My personal concern is my grandfather's old homestead. I would like to see it restored but soon – the longer it goes, the more it will deteriorate. I'll help! The old homesteads could be visitor centers – maybe a place to stay in the park.
- The claims of the so-called reversioners should be firmly rejected. The McNeil Island property was clearly bought and paid for before World War II, and the record of just compensation to the previous owners is massive and detailed.
- Over the years there have been various publications which appear to inform the general public that the local Native American Tribes plus the decedents of the island's original settlers have each kept renewing. Legal proceedings that should the island be declared surplus that they receive title to it. It would be my insight that neither of these approaches would benefit the State of Washington and the taxpayers who have invested so much money to update the facility after receiving it from the federal government. Consequently, it seems that you folks need to firmly resist both of these challenges. Another destination casino or some massive land development is not what would best suit the taxpayers investment.

Cultural interests

- Steilacoom Indian Tribe: As part of the McNeil Island planning process in the 1970s to 1980s, there was support for having McNeil Island stay in state ownership with the Steilacoom Indian Tribe as stewards of the island. The tribe's current interest is similar for stewardship with the ultimate goal to preserve the island. The tribe is supportive of maintaining fish and wildlife habitat, land use, public safety, and cultural and historic aspects.

The Steilacoom Indian Tribe is particularly interested in traditional cultural uses and an educational component. The tribe is supportive of state ownership that allows for a cultural or educational piece. The Steilacoom Indian Tribe would like to build a long house on McNeil Island and hold cultural ceremonies and events. McNeil Island would need to have a viable method of public transportation if any type of educational/cultural activities were established on the island (possibly added to the ferry route as a stop by the Anderson Island ferry). Pitt Island is a burial island and of importance to the tribe.

- Ask the tribes to leave this island and the beach so their seed beds for fish, shellfish, birds, animals and plants. The tribes should understand what will happen if they open it up to the “1/2 ours ½ yours” of the treaty. They will never ever get their true share and the fight will go on and on.
- Native American tribes should be allowed to regain their rights to the Island.
- Federal management will also ensure tribal access.
- Alliance for a Healthy South Sound Executive Committee: The Alliance Executive Committee acknowledged the cultural, and historic value of McNeil Island to the tribes and requested that that perspective be represented in OFM’s report, that it be shared with interested parties and that any long-range planning consider that perspective.

Future of the SCC

- In order for the State to make money instead of losing money, the SCC needs to be dismantled and the residents need to be placed in different areas such as Western State, the empty Tumwater jail, private care or nursing homes for the residents that are old and are seriously ill. Once clear of all incarcerated population, the Island could be rented out for profit by the State such as:
 - Boy scout camps
 - bed and breakfast for tourists
 - wild life studies and guided tours
 - visiting the old historic prison built in 1936
 - retreats for big companies
 - drug and alcohol rehabilitation facility

- What to do with the island depends on what the legislature does with SCC. That facility is outrageously expensive but definitely effective at keeping "sexually violent predators" off the streets. I don't know how to put razor wire into mothballs, but these "residents" as they're called, can reside in regional secure civil commitment facilities. There's one in Seattle. The facility on the island is not necessary. Transfer these 300 or so men and one woman to the mainland to smaller, equally secure facilities. This would take much time and planning, of course, for security reasons. Essentially revise RCW 71.09.

These transitional facilities might be located in semi-industrial areas each housing 10 men or so w/ round-the-clock highly-trained residential staffing as well as therapeutic services for those residents consenting to it. These county-run mini-institutions can be operated in coordination. Spread the residents all over hell and creation (i.e., their counties of origin) and put the island in mothballs for now. Their counties' courts commit them, their counties should pay for them and take them, at least for now.

SCC might need to deconstruct some of their razor fences and take them along with. Such high tech for an island from which is virtually impossible to escape from!

Conversely, if they stayed on the island, SCC could use the old island houses for transitional resident homes. Take the island houses, put 2 residents in a 3 BR house and rotate 3 full time staff.

Conversely, the island could have a new time of a reduced human footprint. The prison and SCC buildings can always be reused at a later time. It's totally in keeping with island history as I understand it. There are times of more human activity on the island, and times of less. Return the island for a time to nature. The buildings and grounds will remain for future use.

Conversely, if they stayed on the island, SCC could use the old island houses for transitional resident homes. Take the island houses, put 2 residents in a 3 BR house and rotate 3 full time staff.

- The main suggestion is that the legislature needs to get busy and revise the law to allow for them [SCC residents] to be housed off the island. A clear case needs to be presented to the public and would include in addition to a true cost statement:

The next suggestion is for the population to be analyzed and broken down into components, DD's, seriously mentally, old and sick, disabled, antisocial etc., classified in terms of dangerousness. This information should be readily available now but made accessible. Thus establishing a readily understood profile for each resident.

71.09 should allow for them to be farmed out according to their profile to the appropriate facility, DOC, WSH, private provider or other.

All committed individuals should be removed from McNeil Island.

- I would hope that the Civil Commitment Center would be closed and moved to an area that no one would want to visit for the purpose of enjoying nature.

- A clear case needs to be presented to the public and would include in addition to a true cost statement: The next suggestion is for the population to be analyzed and broken down into components, DD's, seriously mentally, old and sick, disabled, antisocial etc., classified in terms of dangerousness. This information should be readily available now but made accessible. Thus establishing a readily understood profile for each resident.

71.09 should allow for them to be farmed out according to their profile to the appropriate facility, DOC, WSH, private provider or other. All committed individuals should be removed from McNeil Island.

- Relocation of commitment center off Island
- Get the pedophiles off the island, put them out in eastern Washington privately run facility.
- City of Lakewood: The first subject is the future of McNeil Island in relation to the Special Commitment Center and the secure community transition facility. In the event the state of Washington, as part of its future planning process for McNeil Island, was to take action to close either of these operations, and relocate them to Western State Hospital, which is located within the incorporated limits of the City of Lakewood, such action would be strongly opposed.
- Pierce County Executive: Pierce County would be pleased if the SCC moved to another county.
- Town of Steilacoom: The Town of Steilacoom has never taken a position in opposition to the location of a Special Commitment Center on McNeil Island and is supportive of ongoing operations on the island. The necessity for a total confinement facility and location on an island should not be drivers for other future use.

Avoid Waste

- Stop continuing to waste tax payers money. Use the facilities – do not let them continue to rot. Make money from the Island while protecting the environment.
- There could be other uses than exclusively a prison—she suggested possibly bringing in sexual offenders in from other states and housing them at McNeil...It would too huge of a waste of tax payer resources with all the infrastructure investments to just let it go to nothing. In the meantime, it's important to keep the facilities maintained ("up") because not doing so might allow the federal government to get it back. Not maintaining the Island now will also mean that it would be more difficult to take advantage of the Island (for whatever use) in the future.
- The planning phase of the Island was done alone time ago at the cost of \$250,000.00. The tax payers were not protected and the evidence is in the added cost to their operating budget of DSHS at a tune of \$12,000,000.00 more a year. DSHS and DOC needed each other to stay on the Island in order to keep cost down. Offenders made cheap labor and operation of the Island practical. So, how much of the tax payer monies are you going to waste figuring out what you did not do when the Prison and many other services got up graded. There should have been a master plan to protect the Taxpayer. No steps seem to be in place when the state started spending tax money. The outcome is proof. You built a Prison with no long range master plan, Private Business does not operate on the same scale, they protect their investors.

- McNeil Island should not be a place where the State invests huge amounts of money. It should be used efficiently for its assets, environmental and limited recreational use. And then it makes the Federal Govt. happy and you don't have to pay for that part.... But the problem is you have an investment that's less than 10 years old with the SCC, but eventually it may be necessary for DSHS and the State to cut its losses and move it somewhere else. It is a business and political decision. Then State Parks needs to look at the plan from 30 years ago and determine if it still makes sense.
- Honestly, everyone I've ever spoken with, from Public Officials on down to the local postman, recognizes what a terrible waste of infrastructure and tax dollars it is to just let the place rot in the cold, and intuitively as well, they appreciate that further development would lessen its raw power as the anachronistic relatively untouched environment it is.

What not to do

- Currently the State of Washington, Parks Department is unable to fund or operate all of the facilities they have entrusted to them. Adding an additional 4400 acre facility to their inventory also seems somewhat of a unsuccessful option. Consequently, it seems that would be a poor option
- I am opposed to having the State view McNeil Island as a source of cash to fund state programs.
- Definitely do not allow the island to be developed, parcelized, and sold!
- What I don't want to have happen:
 - No new roads
 - No human made shellfish beds
 - No human made fish raising in pens – we're already fought this fight.
 - No small or large planes allowed to land

No messing up the natural systems, which are the least costly things going on out there now. We can never replace what we have there, especially a "natural" beach.

- The State of Washington should identify its corrections needs as soon as possible. The Special Corrections Center is relatively new, has been fenced off & can be retained for the near term. The major prison buildings should be permanently closed, on a cost basis, as has already been done. While we respect the efforts of all the state employees who worked there, McNeil Island is probably not a cost-effective site for a major prison in the future.
- I do not think the state should spend the money to run a ferry to the island. I also do not think that the McNeil Island prison would have the draw that Alcatraz has from downtown San Francisco or that the salmon bake on Blake Island has from downtown Seattle. The McNeil Island prison does not have the notoriety that Alcatraz received from the movies. The special commitment center and it's history on the island is a negative to tourism. It is hard to imagine that a private operation like a McMenamins could support the cost of a safe and sound ferry operation. A private ferry may or may not be able to support itself and would require regular inspections.
- Currently the State of Washington, Parks Department is unable to fund or operate all of the facilities they have entrusted to them. Adding an additional 4400 acre facility to their inventory also seems somewhat of a unsuccessful option. Consequently, it seems that would be a poor option

To offer McNeil Island at a public bidding event would be the poorest option. All of the pristine and unique features the Island has to offer would be totally exploited under this option..

- I do not condone making McNeil Island a park as parks are being defunded.

- Pierce County Executive: The current Pierce County administration does not support continuing correctional use on McNeil Island. The county does not support privatization and extensive development of the island.

2. Ideas for a future long-range planning process about McNeil Island

Gather necessary information.

- Anderson Island and McNeil Islands have shared a long history together. Many of the pioneer families that first settled on Anderson Island, later moved to McNeil. The reverse was also true. When I first moved to Anderson Island, the school kids were ferried to McNeil for school. Both of our “lifelines” to the outside world pass through the Steilacoom ferry dock. Some of the people have worked on McNeil lived on Anderson Island, and, of course, Anderson was one of several escape routes for McNeil prisoners. In short, we are McNeil’s closest neighbor and have an intimate interest in McNeil’s future development, whatever that maybe.

I can’t pretend to speak for Anderson Islanders regarding ideas for future development, but believe that whatever plans are developed, they need to be thoroughly investigated. At some future date, AICAB [Anderson Island Citizens Advisory Board] may have some specific proposals respecting McNeil’s future plans.

- Survey the parcels for the historical and National park information. We may need to save our natural resources. Protect the tribal interests – burial grounds, etc.
- Long-term operating costs of the DSHS facility must be honestly assessed. One feature of planning must be an honest assessment of the fiscal viability of keeping the sex offender housing on the island without the prison. I am quite certain that the DSHS lockup would not have been sited originally in isolation from the prison, given all the cost advantages it provided. Closure of the prison created cost savings for DOC while significantly increasing costs for DSHS. The arguments for closing the DOC prison now apply even more acutely to the DSHS lockup. Running the ferry, sewer and water systems and all the necessary infrastructure with State employees – rather than DOC trustees – is a huge increase in per-unit costs. Shifting the DSHS facility to be in proximity with one of the newer prisons on the Eastside – where there is ample room and support for state facility siting – will offer very significant taxpayer savings over time in operating costs. From my brief view, it appeared that the residential units could quite easily be moved to another location. And moving the lockup would obviously remove one obstacle to other uses on the Island.
- Make sure the broad cultural resources piece is considered as the planning process develops. Recommend both above and below ground surveys to determine cultural and tribal significance. Explore adaptive use potential and reuse of buildings. May be some incentives for redevelopment. Port Gamble is an example of federal and state development efforts. Rare opportunity and only one chance to do the planning right.
- Someone in the region whom you ought to contact is Robert Constanza at Portland State University. He might have some ideas with how to approach this Island to preserve its ecosystem value. That’s his area of expertise.
- Master plan process – recreation and habitat protection. Determine ownership appropriate for Master Plan. Removal of structures on site not suited for Master Plan or desired future use.
- The usual – allow people to comment via web, meetings, writing, etc. 1-year time frame.

- Maintain the involvement of all the impressive list of interested parties. Value of existing natural systems must be a prime consideration.
- Contact the environmental conservation community.
- The most important point is culture and history, which is a critical issue for the tribal community. There is a need for more information on treaty history and use of traditional lands and waters associated with McNeil Island.
- Alliance for a Healthy South Sound Executive Committee: The Alliance Executive Committee acknowledged the cultural, and historic value of McNeil Island to the tribes and requested that that perspective be represented in OFM's report, that it be shared with interested parties and that any long-range planning consider that perspective.
- Alliance for a Healthy South Sound Executive Committee: The Alliance Executive Committee requests that any restoration plan that moves forward for the island include analysis and restoration plans for any tanks, or materials in the ground that may or may not be currently documented.
- Steilacoom Indian Tribe: (An expert on ethno history of the area from Dushuyay Research worked with the Steilacoom Indian Tribe in efforts regarding McNeil Island during the transfer of property from the federal government to the state in 1981. The Steilacoom Indian Tribe suggests professional anthropological input regarding Steilacoom tribal history and Southern Puget Sound Indian history and pre-history.

Working across agencies and partners

- Future planning should involve both governmental and private fundraising for conservation and open space purposes. With real vision, this could be a State or Federal Fish and Wildlife conservancy area, or a State or National Park. We all are aware of the current economic recession, but nonetheless, let's all plan for the futures of our grandchildren & not just look at current day to day budgetary pressures.
- Creative partnership with the private sector is essential. There is tremendous opportunity for tourist use of the prison. Riding a vintage ferry across the very scenic passage to the island; tours of the former prison; opportunity to stay in a remodeled wing of the prison or remodeled warden's house – this is a golden opportunity for reuse of these facilities. We have an excellent example of a firm with extensive experience with repurposing and restoring buildings for tourist facilities - the McMenumans microbrewery firm. Tourist development of McNeil is a significant opportunity with significant challenges. The McMenumans organization has the proven capability to turn such facilities into assets for the entire area.
- Think it should state in State control as partnership of many agencies with DFW in lead. Or multi-agency State, Steilacoom, County.
- [The Black Hills Audubon Society] would like to encourage the expansion of your Project Work Group to include a representative of the public. This could be done by forming a citizens advisory committee whose members represent public interest NGOs in the region.
- Get private businesses to invest, make it a park with activities, trails, etc.
- Planning should identify major functions for State of Federal Fish and Wildlife, or Parks, whether State or Federal.

- There is no ‘long range’ planning possible without putting money into the equation. Use money to protect the natural environment. There are good baseline studies on the islands there. Tell it to the legislator and the new Governor.
- Alliance for a Healthy South Sound Executive Committee: The Alliance Executive Committee requests that the Alliance itself, as representatives of a collaborative, multi-jurisdictional and multi-tribal voice, be included in any future long-range planning process for McNeil Island. The Alliance further recommends that there be a stronger commitment with tribes through government to government discussion, both of which differ from the current consultation process.

Comprehensive planning and process preferences

- So, what’s important for us is that there is GMA compliance, that there is good planning, and that there is a thoughtful balance of preservation, recreation, and perhaps potential development opportunities (if it makes sense). The long-term health of the sound and the best public use of the island should be at the forefront in the decision-making process.
- Despite the fact that 3,100 acres of McNeil Island along with Gertrude and Pitt Islands was conveyed to the Washington State Department of Fish and Wildlife for use for wildlife conservation, no conservation or environmental groups were include in the Project Work Group. No public hearings were held, other than two poorly advertised “open houses” in late August. In summary, the new Governor and the Legislature, as well as McNeil Island wildlife, deserve better than a hasty report listing economic opportunities for use of McNeil Island.
- The key to a successful plan on a controversial topic is public involvement. There are several different interest groups and many more people concerned about the future of McNeil Island. It is important that they have a chance to provide input and that they view the process as open and fair. One of the best ways to do this is to have a public committee monitor the planning work. The committee would meet monthly in a public meeting, hear information, monitor progress, receive comments from the floor, and ask questions. The committee would be composed of representatives of the various interest groups. Not everyone will be happy with the final product, but they can’t complain about how it was derived.

I have used this approach many times for troublesome issues and it works. I would be happy to serve on such a committee.

- The scope of the planning should not stop at the waterline. It should include surrounding waters and the concerns of the adjacent communities, including tribes. The island is not isolated and whatever happens there impacts its neighbors.
- Action is needed to preserve options for the buildings: A prerequisite for this planning process must be to preserve all options for the future. The habitat is taking care of itself. However, the clock is ticking on the 50 dwellings and other buildings on the island. Unless there is action taken to occupy and preserve these buildings, there is not really a genuine planning process. Nature will erase the opportunity for anything but completing the destruction of the buildings. I recognize that some parties favor destruction of all improvements. However, the island as laid out can accommodate both human use and habitat preservation.
- It should be clarified if the entire island is open for review under the planning process or if certain areas, such as endangered species habitat, are redlined and not up for discussion.

- The planning process should use economic measures as much as possible, such as the value of existing buildings and infrastructure and the benefits and costs of different approaches. These measures should include the economic values of natural functions. The Puget Sound area is one of the leaders in this new field. For more information, see <http://wdfw.wa.gov/publications/00665/wdfw00665.pdf> and <http://www.ecosystemvaluation.org/>
- An archaeological survey should be conducted. A cultural resource management plan should also be adopted. A plan for documentation and/or preservation of historic structure should be developed.
- Act NOW! I remember Hope Island and how the state dragged their feet and ended up costing a lot more
- No specific notion in mind, but Nisqually Refuge planning experience worked very well...They made three decisions soon after starting the process: 1) the planning process will not recommend using eminent domains; 2) they will not create any new regulatory structures; and 3) they will not create any new regulations. Those were the most significant decisions made that enabled the process to go ahead (the air was thick in the room with tension before) – and it became a very effective process. This Plan is still alive, not a plan on a shelf.
- Alliance for a Healthy South Sound Executive Committee: The Alliance Executive Committee suggests determining the overall vision and long-range planning goals for the island first, followed by consideration of ownership to implement rather than the other way around.
- Alliance for a Healthy South Sound Executive Committee: The Alliance Executive Committee recommends incorporating all of the tidelands surrounding McNeil Island into the boundaries of the current marine aquatic reserve as a starting place for any future planning for the island.

3. Interest in involvement in a long-range planning process if approved in the future

Willingness to participate.

- I'll help in any way I can. I will gladly volunteer my time.
- We would like to be involved in a planning process, and would welcome being a part of an advisory committee going forward. McNeil Island flies under the radar as a resource. As an organization dealing with historic preservation, we have an interest in that.
- I would like to receive information on what will and can be used to fulfill any projects on McNeil Island.
- Master planning and disposition/ownership discussions.
- I would be happy to be a part of the process – I have a long-standing fondness for the Island.
- I would attend meetings or comment via email.
- Public tours for future land uses would be engaging and inspire people to be involved with the planning process.
- Hopefully make comments to my elected officials.

- Hands-on all the way. I would love to be a resident again, to be an all-purpose person working in the medical clinic, consulting on diabetes, running the store, gas station, and postal space. Rendering first aid, etc. and any other way I can be of use for the Island and its re-opening and upkeep, to fix the homes, community center, etc. Reopening McNeil will greatly improve our economy, providing jobs, solving inmate overcrowding, truly helping and teaching the inmates a trade, providing constructive members of society.
- I am of course very passionate about this. On the DNR sections could be used in part for some trails, limited camping, wildlife observation. This would provide win-win situation for everyone, for the wildlife, for the environment, as a whole, for the economy. The public in general to DOC it's growing inmate populations, teaching them trades to be productive members of society, saving the State millions of dollars, creating jobs, providing preservation and restoration of historical homes and sites. Also allow the descendants and their families to have the option of re-acquiring their homestead homes.
- Sessions like this at appropriate points during the process.
- Put me on all mailing lists.
- The relationships are very important, so if the groups get in conflict, it will be detrimental to other things. There needs to be a transparent process, so that all ideas are considered and no one is trying to steer it down one path.
- The process should happen and the importance of the island's natural environment and public investment in the island should be considered.
- Pierce County Executive: Pierce County is highly interested in the future of McNeil Island.

Specific governments or organizations to involve.

- Members of Tahoma Audubon Society wish to participate in the future planning process for McNeil Island.
- Steilacoom Indian Tribe: The Steilacoom Indian Tribe collaborates with surrounding communities and would like to be involved in any future planning process for McNeil Island.
- Please stay in contact with Greg Griffith at the Department of Archaeology and Historic Preservation.
- Speaking for myself and on behalf of the two organizations mentioned above (Anderson Island Quality of Life Committee and Anderson Island Citizens Advisory Board [AICAB]), we strongly believe that the future long range planning process should involve a commission and/or advisory committee and that Anderson Island should be represented. The logical Anderson Island representative would be someone appointed by AICAB. As mentioned above, AICAB already represents the Island's interest to County Government and on occasions has been involved with State Government permitting processes.

I would appreciate your keeping me advised respecting future steps and also keeping Joe Howells, who is chairman of AICAB and whose e-mail address is mentioned above similarly advised.

- Keep Tahoma Audubon Society, Native Plant Society, and others that understand the natural environment in the loop – allow visits by volunteers to remove non-native vegetation. I want to come to open houses and hearings like this and also any in legislative sessions in Olympia.
- As a member of the McNeil Island Historical Society.

- Alliance for a Healthy South Sound Executive Committee: The Alliance Executive Committee requests that the Alliance itself, as representatives of a collaborative, multi-jurisdictional and multi-tribal voice, be included in any future long-range planning process for McNeil Island. The Alliance further recommends that there be a stronger commitment with tribes through government to government discussion, both of which differ from the current consultation process.

The Alliance for a Healthy South Sound was created by South Puget Sound tribal representatives and county elected officials in 2010. Made up of an Executive Committee of elected officials and tribal representatives, a broad community-based Alliance Council and working group, the Alliance was recognized by the Puget Sound Partnership Leadership Council as the South Puget Sound organization responsible for Action Agenda implementation in the South Sound. The mission of the Alliance is to support coordinated and collaborative decision making aimed at restoring and protecting the environmental and socio-economic health of South Puget Sound. Find out more about the Alliance at www.healthysouthsound.com.

- City of Lakewood: As the state contemplates the long-term use of McNeil Island, the City of Lakewood would request that it have an active role in the planning process. Exactly how that process unfolds remains a work-in-progress. Nevertheless, it is important that Lakewood communicate its desired role in advance of your upcoming recommendations.
- Pierce County Executive: Pierce County is interested in developing relationships with others involved in a long-range planning process. If ownership of McNeil Island changes, any subsequent owner would need to work with Pierce County on land use practices.
- Town of Steilacoom: Consider involving U.S. Congressman Norm Dicks who works tirelessly on these types of issues. Consider having the Governor work with the U.S. Congressional delegation.