

Re: Land exchange/DISPOSAL questions**Maghini, Mark** <mark_maghini@fws.gov>

Thu 3/16/2023 9:37 AM

To: Hillman, Matthew D <matthew_hillman@fws.gov>

Cc: Taylor, Graham <graham_taylor@fws.gov>

Hi Matt: The coop agreement option is not applicable to your situation. The disposal authority referenced by CRS and cited in 16 U.S.C. §§668dd(a)(6)(B)(iii) applies only to other agency lands that FWS is currently managing pursuant to a cooperative agreement. If the terms of the cooperative agreement provide for termination of the agreement (say, with an expiration date), then we may dispose or relinquish our management under that agreement. This routinely occurs where we have expiring management agreements with states to manage state lands. This authority does not allow us to dispose federal NWRS land where the FWS has primary management responsibility.

Although we cannot transfer this site to the local municipality short of Congressional/MBCC approval or an equal value land exchange, there might be an opportunity to enter into an agreement with the local municipality that would allow them to use the site. That could be something to discuss with IMD.

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From: Hillman, Matthew D <matthew_hillman@fws.gov>**Sent:** Thursday, March 16, 2023 8:15 AM**To:** Maghini, Mark <mark_maghini@fws.gov>**Cc:** Taylor, Graham <graham_taylor@fws.gov>**Subject:** Re: Land exchange/DISPOSAL questions

Hi Mark -- my meeting with the city is Monday at 1p -- if you have anything to share about what you learned regarding coop agreements with cities/state governments, please let me know by then. Many thanks.

Matthew D. Hillman

Project Leader

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**NATIONAL
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From: Maghini, Mark <mark_maghini@fws.gov>
Sent: Friday, March 3, 2023 9:11 AM
To: Hillman, Matthew D <matthew_hillman@fws.gov>
Cc: Taylor, Graham <graham_taylor@fws.gov>
Subject: Re: Land exchange/DISPOSAL questions

I'll see what I can learn about coop agreements and let you know.

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**NATIONAL
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From: Hillman, Matthew D <matthew_hillman@fws.gov>
Sent: Friday, March 3, 2023 8:59 AM
To: Maghini, Mark <mark_maghini@fws.gov>
Cc: Taylor, Graham <graham_taylor@fws.gov>
Subject: Re: Land exchange/DISPOSAL questions

Thanks Mark, and I appreciate you getting back to me on short notice before the meeting -- agreed on the Pink House property. But perhaps as a last resort (if we cannot find suitable exchange lands), method (#3) COULD work for the parking lot/old HQ on Plum Isl. Good to keep in our back pocket.

(When I read the 668dd(a) heading and saw 'Alaska' in it, I assumed the rest of the section was for AK only -- glad that's not the case).

I would like to learn more about the cooperative agreement angle, if possible before my next meeting with this group (March 20). We would be dealing directly with the city so it may apply. Could you put me in contact with the appropriate person?

Thanks again and enjoy the weekend,

Matt

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From: Maghini, Mark <mark_maghini@fws.gov>
Sent: Friday, March 3, 2023 8:20 AM
To: Hillman, Matthew D <matthew_hillman@fws.gov>
Cc: Taylor, Graham <graham_taylor@fws.gov>
Subject: Re: Land exchange/DISPOSAL questions

Hi Matt: The cooperative agreement angle is new to me. The available means for disposal of NWR lands are: (1) an act of Congress, (2) exchange, or (3) via MBCC approval once the Secretary determines the lands are no longer needed. Under #3, fair market value for the property must be deposited in the MBCF. Regarding the pink house, I'd question whether the lands really are no longer needed. I assume if it weren't for the structure, we'd still want the lands for their habitat value.

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From: Hillman, Matthew D <matthew_hillman@fws.gov>**Sent:** Thursday, March 2, 2023 12:36 PM**To:** Maghini, Mark <mark_maghini@fws.gov>**Cc:** Taylor, Graham <graham_taylor@fws.gov>**Subject:** Re: Land exchange/DISPOSAL questions

...I think I answered my own question in that it appears options 2 and 3 from below are relevant only to AK...

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**NATIONAL
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From: Hillman, Matthew D**Sent:** Thursday, March 2, 2023 11:13 AM**To:** Maghini, Mark <mark_maghini@fws.gov>**Cc:** Taylor, Graham <graham_taylor@fws.gov>**Subject:** Land exchange/DISPOSAL questions

Hi Mark,

There is a public forum tomorrow in which I will be asked questions about "disposing of" OR exchanging Parker River's old HQ (north tip of Plum Island) potentially with lands owned by the City of Newburyport, for their future use for emergency services on Plum Island. We no longer have a need for this land and have asked the city if they want to pursue an exchange for some time.

In advance of the forum I've been doing some research and found the below from [this document](#) (pg 9):

For acquired lands, the National Wildlife Refuge System Administration Act provides certain limited authorities to dispose of lands within the NWRs. FWS may dispose of such lands only if (1) the disposal is part of an authorized land exchange (16 U.S.C. §§668dd(a)(6) and (b)(3)); (2) the disposal is pursuant to a cooperative agreement with a state or local government (16 U.S.C. §668dd(a)(6)); or (3) the Secretary determines the lands are no longer needed for the NWRs's purposes and the Migratory Bird Conservation Commission approves the disposal (16 U.S.C. §668dd(a)(5)).

Obviously, our preference is for an exchange, but I am skeptical as to whether Newburyport has any suitable lands for us. So, have we ever pursued options 2 or 3, above? And, for the Pink House, is option 3 an option? Can it be?!

Thank you,

Matt

Matthew D. Hillman

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