

SHB 2275 - H AMD
By Representative

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 79A.15.010 and 1990 1st ex.s. c 14 s 2 are each
4 amended to read as follows:

5 The definitions set forth in this section apply throughout this
6 chapter.

7 (1) "Acquisition" means the purchase on a willing seller basis
8 of fee or less than fee interests in real property. These
9 interests include, but are not limited to, options, rights of first
10 refusal, conservation easements, leases, and mineral rights.

11 (2) "Committee" means the interagency committee for outdoor
12 recreation.

13 (3) "Critical habitat" means lands important for the
14 protection, management, or public enjoyment of certain wildlife
15 species or groups of species, including, but not limited to,
16 wintering range for deer, elk, and other species, waterfowl and
17 upland bird habitat, fish habitat, and habitat for endangered,
18 threatened, or sensitive species.

19 (4) "Farmlands" means any land defined as "farm and
20 agricultural land" in RCW 84.34.020(2).

21 (5) "Local agencies" means a city, county, town, federally
22 recognized Indian tribe, special purpose district, port district,
23 or other political subdivision of the state providing services to
24 less than the entire state.

25 ~~((+5))~~ (6) "Natural areas" means areas that have, to a
26 significant degree, retained their natural character and are
27 important in preserving rare or vanishing flora, fauna, geological,
28 natural historical, or similar features of scientific or
29 educational value.

30 ~~((+6))~~ (7) "Riparian habitat" means land adjacent to water
31 bodies, as well as submerged land such as streambeds, which can

1 provide functional habitat for salmonids and other fish and
2 wildlife species. Riparian habitat includes, but is not limited
3 to, shorelines and near-shore marine habitat, estuaries, lakes,
4 wetlands, streams, and rivers.

5 (8) "Special needs populations" means physically restricted
6 people or people of limited means.

7 ~~((+7))~~ (9) "State agencies" means the state parks and
8 recreation commission, the department of natural resources, the
9 department of general administration, and the department of fish
10 and wildlife.

11 (10) "Trails" means public ways constructed for and open to
12 pedestrians, equestrians, or bicyclists, or any combination
13 thereof, other than a sidewalk constructed as a part of a city
14 street or county road for exclusive use of pedestrians.

15 ~~((+8))~~ (11) "Urban wildlife habitat" means lands that provide
16 habitat important to wildlife in proximity to a metropolitan area.

17 ~~((+9))~~ (12) "Water access" means boat or foot access to marine
18 waters, lakes, rivers, or streams.

19 **Sec. 2.** RCW 79A.15.030 and 2000 c 11 s 66 are each amended to
20 read as follows:

21 (1) Moneys appropriated for this chapter shall be divided
22 ~~((equally between the habitat conservation and outdoor recreation~~
23 ~~accounts and shall be used exclusively for the purposes specified~~
24 ~~in this chapter))~~ as follows:

25 (a) Appropriations for a biennium of forty million dollars or
26 less must be allocated equally between the habitat conservation
27 account and the outdoor recreation account.

28 (b) If appropriations for a biennium total more than forty
29 million dollars, the money must be allocated as follows: (i)
30 Twenty million dollars to the habitat conservation account and
31 twenty million dollars to the outdoor recreation account; (ii) any
32 amount over forty million dollars up to fifty million dollars shall
33 be allocated as follows: (A) Ten percent to the habitat
34 conservation account; (B) ten percent to the outdoor recreation
35 account; (C) forty percent to the riparian protection account; and
36 (D) forty percent to the farmlands preservation account; and (iii)
37 any remaining amounts over fifty million dollars must be allocated
38 as follows: (A) Thirty percent to the habitat conservation

1 account; (B) thirty percent to the outdoor recreation account; (C)
2 thirty percent to the riparian protection account; and (D) ten
3 percent to the farmlands preservation account.

4 (2) Except as otherwise provided in this act, moneys deposited
5 in these accounts shall be invested as authorized for other state
6 funds, and any earnings on them shall be credited to the respective
7 account.

8 (3) All moneys deposited in the habitat conservation ((and)),
9 outdoor recreation, riparian protection, and farmlands preservation
10 accounts shall be allocated as provided under RCW 79A.15.040
11 ((and)), 79A.15.050, and sections 5 and 6 of this act as grants to
12 state or local agencies for acquisition, development, and
13 renovation within the jurisdiction of those agencies, subject to
14 legislative appropriation. The committee may use or permit the use
15 of any funds appropriated for this chapter as matching funds where
16 federal, local, or other funds are made available for projects
17 within the purposes of this chapter.

18 (4) Projects receiving grants under this chapter that are
19 developed or otherwise accessible for public recreational uses
20 shall be available to the public ((on a nondiscriminatory basis)).

21 (5) The committee may make grants to an eligible project from
22 ((both)) the habitat conservation ((and)), outdoor recreation,
23 riparian protection, and farmlands preservation accounts and any
24 one or more of the applicable categories under such accounts
25 described in RCW 79A.15.040 ((and)), 79A.15.050, and sections 5 and
26 6 of this act.

27 (6) The committee may accept private donations to the habitat
28 conservation account, the outdoor recreation account, the riparian
29 protection account, and the farmlands preservation account for the
30 purposes specified in this chapter.

31 (7) The committee may apply up to three percent of the funds
32 appropriated for this chapter for the administration of the
33 programs and purposes specified in this chapter.

34 **Sec. 3.** RCW 79A.15.040 and 1999 c 379 s 917 are each amended
35 to read as follows:

36 (1) Moneys appropriated for this chapter to the habitat
37 conservation account shall be distributed in the following way:

1 (a) Not less than (~~thirty-five~~) forty-five percent for the
2 acquisition and development of critical habitat;

3 (b) Not less than (~~twenty~~) thirty percent for the acquisition
4 and development of natural areas;

5 (c) Not less than (~~fifteen~~) twenty percent for the
6 acquisition and development of urban wildlife habitat; and

7 (d) (~~The remaining amount shall be considered unallocated
8 and~~) Not less than five percent shall be used by the committee to
9 fund (~~high priority acquisition and development needs for critical
10 habitat, natural areas, and urban wildlife habitat. During the
11 fiscal biennium ending June 30, 2001, the remaining amount
12 reappropriated from the fiscal biennium ending June 30, 1999, may
13 be allocated for matching grants for riparian zone habitat
14 protection projects that implement watershed plans under the
15 program established in section 329(6), chapter 235, Laws of 1997~~)
16 restoration and enhancement projects on state lands. Only the
17 department of natural resources and the department of fish and
18 wildlife may apply for these funds to be used on existing habitat
19 and natural area lands.

20 (2) In distributing these funds, the committee retains
21 discretion to meet the most pressing needs for critical habitat,
22 natural areas, and urban wildlife habitat, and is not required to
23 meet the percentages described in subsection (1) of this section in
24 any one biennium.

25 (3) Only state agencies may apply for acquisition and
26 development funds for (~~critical habitat and~~) natural areas
27 projects under subsection (1)(~~(a),~~) (b)(~~(7)~~) (~~and (d)~~) of this
28 section.

29 (4) State and local agencies may apply for acquisition and
30 development funds for critical habitat and urban wildlife habitat
31 projects under subsection (1)(a), and (c) (~~and (d)~~) of this
32 section.

33 (5)(a) Any lands that have been acquired with grants under this
34 section by the department of fish and wildlife are subject to an
35 amount in lieu of real property taxes and an additional amount for
36 control of noxious weeds as determined by RCW 77.12.203.

37 (b) Any lands that have been acquired with grants under this
38 section by the department of natural resources are subject to

1 payments in the amounts required under the provisions of sections
2 10 and 11 of this act.

3 **Sec. 4.** RCW 79A.15.050 and 2003 c 184 s 1 are each amended to
4 read as follows:

5 (1) Moneys appropriated for this chapter to the outdoor
6 recreation account shall be distributed in the following way:

7 (a) Not less than ~~((twenty-five))~~ thirty percent to the state
8 parks and recreation commission for the acquisition, ~~((and))~~
9 renovation, or development of state parks, with at least ~~((seventy-~~
10 ~~five))~~ fifty percent of ~~((this))~~ the money for acquisition costs ~~((-~~
11 ~~However, between July 27, 2003, and June 30, 2009, at least fifty~~
12 ~~percent of this money for the acquisition and development of state~~
13 ~~parks must be used for acquisition costs))~~;

14 (b) Not less than ~~((twenty-five))~~ thirty percent for the
15 acquisition, development, and renovation of local parks, with at
16 least fifty percent of this money for acquisition costs;

17 (c) Not less than fifteen percent for the acquisition and
18 development of trails;

19 (d) Not less than ~~((ten))~~ fifteen percent for the acquisition
20 and development of water access sites, with at least seventy-five
21 percent of this money for acquisition costs; and

22 (e) Not less than five percent for development and renovation
23 projects on state recreation lands. Only the department of natural
24 resources and the department of fish and wildlife may apply for
25 these funds to be used on their existing recreation lands; and

26 (f) The remaining amount shall be considered unallocated and
27 shall be distributed by the committee to state and local agencies
28 to fund high priority acquisition and development needs for parks,
29 trails, and water access sites.

30 (2) In distributing these funds, the committee retains
31 discretion to meet the most pressing needs for state and local
32 parks, trails, and water access sites, and is not required to meet
33 the percentages described in subsection (1) of this section in any
34 one biennium.

35 (3) Only local agencies may apply for acquisition, development,
36 or renovation funds for local parks under subsection (1)(b) of this
37 section.

1 (4) Only state and local agencies may apply for funds for
2 trails under subsection (1)(c) of this section.

3 (5) Only state and local agencies may apply for funds for water
4 access sites under subsection (1)(d) of this section.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 79A.15
6 RCW to read as follows:

7 (1) The riparian protection account is established in the state
8 treasury. The committee must administer the account in accordance
9 with chapter 79A.25 RCW and this chapter, and hold it separate and
10 apart from all other money, funds, and accounts of the committee.

11 (2) Moneys appropriated for this chapter to the riparian
12 protection account must be distributed for the acquisition and
13 enhancement or restoration of riparian habitat. All enhancement or
14 restoration projects, except those qualifying under subsection
15 (9)(a) of this section, must include the acquisition of a real
16 property interest in order to be eligible. At least fifty percent
17 of riparian protection account funds must be used for the
18 acquisition of real property interests.

19 (3) State and local agencies and lead entities under chapter
20 77.85 RCW may apply for acquisition and enhancement or restoration
21 funds for riparian habitat projects under subsection (1) of this
22 section. Other state agencies not defined in RCW 79A.15.010, such
23 as the department of transportation and the department of
24 corrections, may enter into interagency agreements with state
25 agencies to apply in partnership for funds under this section.

26 (4) The committee may adopt rules establishing acquisition
27 policies and priorities for distributions from the riparian
28 protection account.

29 (5) Except as provided in RCW 79A.15.030(7), moneys
30 appropriated for this section may not be used by the committee to
31 fund staff positions or other overhead expenses, or by a state,
32 regional, or local agency to fund operation or maintenance of areas
33 acquired under this chapter.

34 (6) Moneys appropriated for this section may be used by grant
35 recipients for costs incidental to restoration and acquisition,
36 including, but not limited to, surveying expenses, fencing, and
37 signing.

1 (7) The committee may not approve a local project where the
2 local agency share is less than the amount to be awarded from the
3 riparian protection account. In-kind contributions, including
4 contributions of a real property interest in land may be used to
5 satisfy the local agency's share.

6 (8) State agencies receiving grants for acquisition of land
7 under this section must pay an amount in lieu of real property
8 taxes equal to the amount of tax that would be due if the land were
9 taxable as open space land under chapter 84.34 RCW, plus an
10 additional amount for control of noxious weeds equal to that which
11 would be paid if such lands were privately owned. The county
12 assessor and county legislative authority shall assist in
13 determining the appropriate calculation of the amount of tax that
14 would be due under chapter 84.34 RCW.

15 (9) In determining acquisition priorities with respect to the
16 riparian protection account, the committee must consider, at a
17 minimum, the following criteria:

18 (a) Whether the project continues the conservation reserve
19 enhancement program. Applications that extend the duration of
20 leases of riparian areas that are currently enrolled in the
21 conservation reserve enhancement program shall be highly considered
22 in the process. Such applications are also eligible for an
23 additional conservation lease of at least twenty-five years of
24 duration.

25 (b) Whether the projects are identified or recommended in a
26 watershed planning process under chapter 247, Laws of 1998, salmon
27 recovery planning under chapter 77.85 RCW, or other local plans,
28 such as habitat conservation plans, and these must be highly
29 considered in the process;

30 (c) Whether there is community support for the project;

31 (d) Whether there is an immediate threat to the site;

32 (e) Whether the quality of the habitat is improved or, for
33 projects including restoration or enhancement, the potential for
34 restoring quality habitat including linkage of the site to other
35 high quality habitat;

36 (f) Whether the project is consistent with a local land use
37 plan, or a regional or statewide recreational or resource plan.
38 The projects that assist in the implementation of local shoreline
39 master plans updated according to RCW 90.58.080 or local

1 comprehensive plans updated according to RCW 36.70A.130 must be
2 highly considered in the process; and

3 (g) Whether the site has educational or scientific value.

4 (10) Before November 1st of each even-numbered year, the
5 committee will recommend to the governor a prioritized list of
6 projects to be funded under this section. The governor may remove
7 projects from the list recommended by the committee and will submit
8 this amended list in the capital budget request to the legislature.
9 The list must include, but not be limited to, a description of each
10 project and any particular match requirement.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 79A.15
12 RCW to read as follows:

13 (1) The farmlands preservation account is established in the
14 state treasury. The committee will administer the account in
15 accordance with chapter 79A.25 RCW and this chapter, and hold it
16 separate and apart from all other money, funds, and accounts of the
17 committee. Moneys appropriated for this chapter to the farmlands
18 preservation account must be distributed for the acquisition and
19 preservation of farmlands in order to maintain the opportunity for
20 agricultural activity upon these lands.

21 (2) Moneys appropriated for this chapter to the farmlands
22 preservation account must be distributed for the fee simple or less
23 than fee simple acquisition of farmlands, and for the enhancement
24 or restoration of ecological functions on those properties. In
25 order for a farmland preservation grant to provide for an
26 environmental enhancement or restoration project, the project must
27 include the acquisition of a real property interest in perpetuity.
28 If a city or county acquires a property through this program in fee
29 simple, the city or county shall endeavor to secure preservation of
30 the property through placing a conservation easement, or other form
31 of deed restriction, on the property which dedicates the land to
32 agricultural use and retains one or more property rights in
33 perpetuity. Once an easement or other form of deed restriction is
34 placed on the property, the city or county shall seek to sell the
35 property, at fair market value, to a person or persons who will
36 maintain the property in agricultural production. Any moneys from
37 the sale of the property shall either be used to purchase interests
38 in additional properties which meet the criteria in subsection (8)

1 of this section, or to repay the grant from the state which was
2 originally used to purchase the property.

3 (3) Cities and counties may apply for acquisition and
4 enhancement or restoration funds for farmland preservation projects
5 within their jurisdictions under subsection (1) of this section.

6 (4) The committee may adopt rules establishing acquisition and
7 enhancement or restoration policies and priorities for
8 distributions from the farmlands preservation account.

9 (5) Except as provided in RCW 79A.15.030(7), moneys
10 appropriated for this section may not be used by the committee to
11 fund staff positions or other overhead expenses, or by a city or
12 county to fund operation or maintenance of areas acquired under
13 this chapter.

14 (6) Moneys appropriated for this section may be used by grant
15 recipients for costs incidental to restoration and acquisition,
16 including, but not limited to, surveying expenses, fencing, and
17 signing.

18 (7) The committee may not approve a local project where the
19 local agency's share is less than the amount to be awarded from the
20 farmlands preservation account. In-kind contributions, including
21 contributions of a real property interest in land, may be used to
22 satisfy the local agency's share.

23 (8) In determining the acquisition priorities, the committee
24 must consider, at a minimum, the following criteria:

25 (a) Community support for the project;

26 (b) A recommendation as part of a limiting factors or critical
27 pathways analysis, a watershed plan or habitat conservation plan,
28 or a coordinated regionwide prioritization effort;

29 (c) The likelihood of the conversion of the site to
30 nonagricultural or more highly developed usage;

31 (d) Consistency with a local land use plan, or a regional or
32 statewide recreational or resource plan. The projects that assist
33 in the implementation of local shoreline master plans updated
34 according to RCW 90.58.080 or local comprehensive plans updated
35 according to RCW 36.70A.130 must be highly considered in the
36 process;

37 (e) Benefits to salmonids;

38 (f) Benefits to other fish and wildlife habitat;

1 (g) Integration with recovery efforts for endangered,
2 threatened, or sensitive species;

3 (h) The viability of the site for continued agricultural
4 production, including, but not limited to:

5 (i) Soil types;

6 (ii) On-site production and support facilities such as barns,
7 irrigation systems, crop processing and storage facilities, wells,
8 housing, livestock sheds, and other farming infrastructure;

9 (iii) Suitability for producing different types or varieties of
10 crops;

11 (iv) Farm-to-market access;

12 (v) Water availability; and

13 (i) Other community values provided by the property when used
14 as agricultural land, including, but not limited to:

15 (i) Viewshed;

16 (ii) Aquifer recharge;

17 (iii) Occasional or periodic collector for storm water runoff;

18 (iv) Agricultural sector job creation;

19 (v) Migratory bird habitat and forage area; and

20 (vi) Educational and curriculum potential.

21 (9) In allotting funds for environmental enhancement or
22 restoration projects, the committee will require the projects to
23 meet the following criteria:

24 (a) Enhancement or restoration projects must further the
25 ecological functions of the farmlands;

26 (b) The projects, such as fencing, bridging watercourses,
27 replanting native vegetation, replacing culverts, clearing of
28 waterways, etc., must be less than fifty percent of the acquisition
29 cost of the project including any in-kind contribution by any
30 party;

31 (c) The projects should be based on accepted methods of
32 achieving beneficial enhancement or restoration results; and

33 (d) The projects should enhance the viability of the preserved
34 farmland to provide agricultural production while conforming to any
35 legal requirements for habitat protection.

36 (10) Before November 1st of each even-numbered year, the
37 committee will recommend to the governor a prioritized list of all
38 projects to be funded under this section. The governor may remove
39 projects from the list recommended by the committee and must submit

1 this amended list in the capital budget request to the legislature.
2 The list must include, but not be limited to, a description of each
3 project and any particular match requirement.

4 **Sec. 7.** RCW 79A.15.060 and 2000 c 11 s 67 are each amended to
5 read as follows:

6 (1) The committee may adopt rules establishing acquisition
7 policies and priorities for distributions from the habitat
8 conservation account.

9 (2) Except as provided in RCW 79A.15.030(7), moneys
10 appropriated for this chapter may not be used by the committee to
11 fund ~~((additional))~~ staff positions or other overhead expenses, or
12 by a state, regional, or local agency to fund operation ~~((and))~~ or
13 maintenance of areas acquired under this chapter ~~((, except that the~~
14 ~~committee may use moneys appropriated for this chapter for the~~
15 ~~fiscal biennium ending June 30, 2001, for the administrative costs~~
16 ~~of implementing the pilot watershed plan implementation program~~
17 ~~established in section 329(6), chapter 235, Laws of 1997, and~~
18 ~~developing an inventory of publicly owned lands established in~~
19 ~~section 329(7), chapter 235, Laws of 1997))~~.

20 (3) Moneys appropriated for this chapter may be used by grant
21 recipients for costs incidental to acquisition, including, but not
22 limited to, surveying expenses, fencing, and signing.

23 (4) ~~((Except as provided in subsection (5) of this section,))~~
24 The committee may not approve a local project where the local
25 agency share is less than the amount to be awarded from the habitat
26 conservation account.

27 (5) ~~((During the fiscal biennium ending June 30, 2001, the~~
28 ~~committee may approve a riparian zone habitat protection project~~
29 ~~established in section 329(6), chapter 235, Laws of 1997, where the~~
30 ~~local agency share is less than the amount to be awarded from the~~
31 ~~habitat conservation account.~~

32 ~~(6))~~ In determining acquisition priorities with respect to the
33 habitat conservation account, the committee shall consider, at a
34 minimum, the following criteria:

35 (a) For critical habitat and natural areas proposals:

36 (i) Community support for the project;

37 (ii) Recommendations as part of a watershed plan or habitat
38 conservation plan, or a coordinated regionwide prioritization

1 effort, and for projects primarily intended to benefit salmon,
2 limiting factors or critical pathways analysis;

3 ~~(iii)~~ (iii) Immediacy of threat to the site;

4 ~~((+iii))~~ (iv) Uniqueness of the site;

5 ~~((+iv))~~ (v) Diversity of species using the site;

6 ~~((+v))~~ (vi) Quality of the habitat;

7 ~~((+vi))~~ (vii) Long-term viability of the site;

8 ~~((+vii))~~ (viii) Presence of endangered, threatened, or
9 sensitive species;

10 ~~((+viii))~~ (ix) Enhancement of existing public property;

11 ~~((+ix))~~ (x) Consistency with a local land use plan, or a
12 regional or statewide recreational or resource plan, including
13 projects that assist in the implementation of local shoreline
14 master plans updated according to RCW 90.58.080 or local
15 comprehensive plans updated according to RCW 36.70A.130; ((and

16 ~~(+x))~~ (xi) Educational and scientific value of the site;

17 (xii) Integration with recovery efforts for endangered,
18 threatened, or sensitive species;

19 (xiii) For critical habitat proposals by local agencies, the
20 statewide significance of the site.

21 (b) For urban wildlife habitat proposals, in addition to the
22 criteria of (a) of this subsection:

23 (i) Population of, and distance from, the nearest urban area;

24 (ii) Proximity to other wildlife habitat;

25 (iii) Potential for public use; and

26 (iv) Potential for use by special needs populations.

27 ~~((+7))~~ (6) Before ~~((October))~~ November 1st of each even-
28 numbered year, the committee shall recommend to the governor a
29 prioritized list of state agency projects to be funded under RCW
30 79A.15.040(1) (a), (b), and (c). The governor may remove projects
31 from the list recommended by the committee and shall submit this
32 amended list in the capital budget request to the legislature. The
33 list shall include, but not be limited to, a description of each
34 project; and shall describe for each project any anticipated
35 restrictions upon recreational activities allowed prior to the
36 project.

37 ~~((+8))~~ (7) Before ~~((October))~~ November 1st of each even-
38 numbered year, the committee shall recommend to the governor a
39 prioritized list of all local projects to be funded under RCW

1 79A.15.040(1) (a) and (c). The governor may remove projects from
2 the list recommended by the committee and shall submit this amended
3 list in the capital budget request to the legislature. The list
4 shall include, but not be limited to, a description of each project
5 and any particular match requirement, and describe for each project
6 any anticipated restrictions upon recreational activities allowed
7 prior to the project.

8 **Sec. 8.** RCW 79A.15.070 and 2000 c 11 s 68 are each amended to
9 read as follows:

10 (1) In determining which state parks proposals and local parks
11 proposals to fund, the committee shall use existing policies and
12 priorities.

13 (2) Except as provided in RCW 79A.15.030(7), moneys
14 appropriated for this chapter may not be used by the committee to
15 fund ~~((additional))~~ staff or other overhead expenses, or by a
16 state, regional, or local agency to fund operation ~~((and))~~ or
17 maintenance of areas acquired under this chapter ~~((, except that the~~
18 ~~committee may use moneys appropriated for this chapter for the~~
19 ~~fiscal biennium ending June 30, 2001, for the administrative costs~~
20 ~~of implementing the pilot watershed plan implementation program~~
21 ~~established in section 329(6), chapter 235, Laws of 1997, and~~
22 ~~developing an inventory of publicly owned lands established in~~
23 ~~section 329(7), chapter 235, Laws of 1997))~~.

24 (3) Moneys appropriated for this chapter may be used by grant
25 recipients for costs incidental to acquisition and development,
26 including, but not limited to, surveying expenses, fencing, and
27 signing.

28 (4) The committee may not approve a project of a local agency
29 where the share contributed by the local agency is less than the
30 amount to be awarded from the outdoor recreation account.

31 (5) The committee may adopt rules establishing acquisition
32 policies and priorities for the acquisition and development of
33 trails and water access sites to be financed from moneys in the
34 outdoor recreation account.

35 (6) In determining the acquisition and development priorities,
36 the committee shall consider, at a minimum, the following criteria:

37 (a) For trails proposals:

38 (i) Community support for the project;

1 (ii) Immediacy of threat to the site;
2 (iii) Linkage between communities;
3 (iv) Linkage between trails;
4 (v) Existing or potential usage;
5 (vi) Consistency with ~~((an existing))~~ a local land use plan, or
6 a regional or statewide recreational or resource plan, including
7 projects that assist in the implementation of local shoreline
8 master plans updated according to RCW 90.58.080 or local
9 comprehensive plans updated according to RCW 36.70A.130;

10 (vii) Availability of water access or views;

11 (viii) Enhancement of wildlife habitat; and

12 (ix) Scenic values of the site.

13 (b) For water access proposals:

14 (i) Community support for the project;

15 (ii) Distance from similar water access opportunities;

16 (iii) Immediacy of threat to the site;

17 (iv) Diversity of possible recreational uses; ~~((and))~~

18 (v) Public demand in the area; and

19 (vi) Consistency with a local land use plan, or a regional or
20 statewide recreational or resource plan, including projects that
21 assist in the implementation of local shoreline master plans
22 updated according to RCW 90.58.080 or local comprehensive plans
23 updated according to RCW 36.70A.130.

24 (7) Before ~~((October))~~ November 1st of each even-numbered year,
25 the committee shall recommend to the governor a prioritized list of
26 state agency projects to be funded under RCW 79A.15.050(1) (a),
27 (c), and (d). The governor may remove projects from the list
28 recommended by the committee and shall submit this amended list in
29 the capital budget request to the legislature. The list shall
30 include, but not be limited to, a description of each project; and
31 shall describe for each project any anticipated restrictions upon
32 recreational activities allowed prior to the project.

33 (8) Before ~~((October))~~ November 1st of each even-numbered year,
34 the committee shall recommend to the governor a prioritized list of
35 all local projects to be funded under RCW 79A.15.050(1) (b), (c),
36 and (d). The governor may remove projects from the list
37 recommended by the committee and shall submit this amended list in
38 the capital budget request to the legislature. The list shall
39 include, but not be limited to, a description of each project and

1 any particular match requirement, and describe for each project any
2 anticipated restrictions upon recreational activities allowed prior
3 to the project.

4 **Sec. 9.** RCW 79A.15.080 and 1990 1st ex.s. c 14 s 9 are each
5 amended to read as follows:

6 The committee shall not sign contracts or otherwise financially
7 obligate funds from the habitat conservation account ~~((or))~~, the
8 outdoor recreation account, the riparian protection account, or the
9 farmlands preservation account as provided in this chapter before
10 the legislature has appropriated funds for a specific list of
11 projects. The legislature may remove projects from the list
12 recommended by the governor.

13 NEW SECTION. **Sec. 10.** A new section is added to chapter 79.70
14 RCW to read as follows:

15 The state treasurer, on behalf of the department, must
16 distribute to counties for all lands acquired for the purposes of
17 this chapter an amount in lieu of real property taxes equal to the
18 amount of tax that would be due if the land were taxable as open
19 space land under chapter 84.34 RCW, plus an additional amount equal
20 to the amount of weed control assessment that would be due if such
21 lands were privately owned. The county assessor and county
22 legislative authority shall assist in determining the appropriate
23 calculation of the amount of tax that would be due under chapter
24 84.34 RCW. The county shall distribute the amount received under
25 this section in lieu of real property taxes to all property taxing
26 districts except the state in appropriate tax code areas the same
27 way it would distribute local property taxes from private property.
28 The county shall distribute the amount received under this section
29 for weed control to the appropriate weed district.

30 NEW SECTION. **Sec. 11.** A new section is added to chapter 79.71
31 RCW to read as follows:

32 The state treasurer, on behalf of the department, must
33 distribute to counties for all lands acquired for the purposes of
34 this chapter an amount in lieu of real property taxes equal to the
35 amount of tax that would be due if the land were taxable as open
36 space land under chapter 84.34 RCW, plus an additional amount equal

1 to the amount of weed control assessment that would be due if such
 2 lands were privately owned. The county assessor and county
 3 legislative authority shall assist in determining the appropriate
 4 calculation of the amount of tax that would be due under chapter
 5 84.34 RCW. The county shall distribute the amount received under
 6 this section in lieu of real property taxes to all property taxing
 7 districts except the state in appropriate tax code areas the same
 8 way it would distribute local property taxes from private property.
 9 The county shall distribute the amount received under this section
 10 for weed control to the appropriate weed district.

11 **Sec. 12.** RCW 84.33.140 and 2003 c 170 s 5 are each amended to
 12 read as follows:

13 (1) When land has been designated as forest land under RCW
 14 84.33.130, a notation of the designation shall be made each year
 15 upon the assessment and tax rolls. A copy of the notice of
 16 approval together with the legal description or assessor's parcel
 17 numbers for the land shall, at the expense of the applicant, be
 18 filed by the assessor in the same manner as deeds are recorded.

19 (2) In preparing the assessment roll as of January 1, 2002, for
 20 taxes payable in 2003 and each January 1st thereafter, the assessor
 21 shall list each parcel of designated forest land at a value with
 22 respect to the grade and class provided in this subsection and
 23 adjusted as provided in subsection (3) of this section. The
 24 assessor shall compute the assessed value of the land using the
 25 same assessment ratio applied generally in computing the assessed
 26 value of other property in the county. Values for the several
 27 grades of bare forest land shall be as follows:

	LAND	OPERABILITY	VALUES
	GRADE	CLASS	PER ACRE
		1	\$234
30	1	2	229
		3	217
		4	157
		1	198
31	2	2	190

		3	183
		4	132
		1	154
1	3	2	149
		3	148
		4	113
		1	117
2	4	2	114
		3	113
		4	86
		1	85
3	5	2	78
		3	77
		4	52
		1	43
4	6	2	39
		3	39
		4	37
		1	21
5	7	2	21
		3	20
		4	20
6	8		1

7 (3) On or before December 31, 2001, the department shall adjust by
8 rule under chapter 34.05 RCW, the forest land values contained in
9 subsection (2) of this section in accordance with this subsection, and
10 shall certify the adjusted values to the assessor who will use these
11 values in preparing the assessment roll as of January 1, 2002. For the
12 adjustment to be made on or before December 31, 2001, for use in the 2002
13 assessment year, the department shall:

1 (a) Divide the aggregate value of all timber harvested within the
2 state between July 1, 1996, and June 30, 2001, by the aggregate harvest
3 volume for the same period, as determined from the harvester excise tax
4 returns filed with the department under RCW 84.33.074; and

5 (b) Divide the aggregate value of all timber harvested within the
6 state between July 1, 1995, and June 30, 2000, by the aggregate harvest
7 volume for the same period, as determined from the harvester excise tax
8 returns filed with the department under RCW 84.33.074; and

9 (c) Adjust the forest land values contained in subsection (2) of this
10 section by a percentage equal to one-half of the percentage change in the
11 average values of harvested timber reflected by comparing the resultant
12 values calculated under (a) and (b) of this subsection.

13 (4) For the adjustments to be made on or before December 31, 2002, and
14 each succeeding year thereafter, the same procedure described in
15 subsection (3) of this section shall be followed using harvester excise
16 tax returns filed under RCW 84.33.074. However, this adjustment shall be
17 made to the prior year's adjusted value, and the five-year periods for
18 calculating average harvested timber values shall be successively one year
19 more recent.

20 (5) Land graded, assessed, and valued as forest land shall continue to
21 be so graded, assessed, and valued until removal of designation by the
22 assessor upon the occurrence of any of the following:

23 (a) Receipt of notice from the owner to remove the designation;

24 (b) Sale or transfer to an ownership making the land exempt from ad
25 valorem taxation;

26 (c) Sale or transfer of all or a portion of the land to a new owner,
27 unless the new owner has signed a notice of forest land designation
28 continuance, except transfer to an owner who is an heir or devisee of a
29 deceased owner, shall not, by itself, result in removal of designation.
30 The signed notice of continuance shall be attached to the real estate
31 excise tax affidavit provided for in RCW 82.45.150. The notice of
32 continuance shall be on a form prepared by the department. If the notice
33 of continuance is not signed by the new owner and attached to the real
34 estate excise tax affidavit, all compensating taxes calculated under
35 subsection (11) of this section shall become due and payable by the seller
36 or transferor at time of sale. The auditor shall not accept an instrument
37 of conveyance regarding designated forest land for filing or recording
38 unless the new owner has signed the notice of continuance or the
39 compensating tax has been paid, as evidenced by the real estate excise tax

1 stamp affixed thereto by the treasurer. The seller, transferor, or new
2 owner may appeal the new assessed valuation calculated under subsection
3 (11) of this section to the county board of equalization in accordance
4 with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred
5 on the county board of equalization to hear these appeals;

6 (d) Determination by the assessor, after giving the owner written
7 notice and an opportunity to be heard, that:

8 (i) The land is no longer primarily devoted to and used for growing
9 and harvesting timber. However, land shall not be removed from
10 designation if a governmental agency, organization, or other recipient
11 identified in subsection (13) or (14) of this section as exempt from the
12 payment of compensating tax has manifested its intent in writing or by
13 other official action to acquire a property interest in the designated
14 forest land by means of a transaction that qualifies for an exemption
15 under subsection (13) or (14) of this section. The governmental agency,
16 organization, or recipient shall annually provide the assessor of the
17 county in which the land is located reasonable evidence in writing of the
18 intent to acquire the designated land as long as the intent continues or
19 within sixty days of a request by the assessor. The assessor may not
20 request this evidence more than once in a calendar year;

21 (ii) The owner has failed to comply with a final administrative or
22 judicial order with respect to a violation of the restocking, forest
23 management, fire protection, insect and disease control, and forest debris
24 provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

25 (iii) Restocking has not occurred to the extent or within the time
26 specified in the application for designation of such land.

27 (6) Land shall not be removed from designation if there is a
28 governmental restriction that prohibits, in whole or in part, the owner
29 from harvesting timber from the owner's designated forest land. If only
30 a portion of the parcel is impacted by governmental restrictions of this
31 nature, the restrictions cannot be used as a basis to remove the remainder
32 of the forest land from designation under this chapter. For the purposes
33 of this section, "governmental restrictions" includes: (a) Any law,
34 regulation, rule, ordinance, program, or other action adopted or taken by
35 a federal, state, county, city, or other governmental entity; or (b) the
36 land's zoning or its presence within an urban growth area designated under
37 RCW 36.70A.110.

1 (7) The assessor shall have the option of requiring an owner of forest
2 land to file a timber management plan with the assessor upon the
3 occurrence of one of the following:

4 (a) An application for designation as forest land is submitted; or

5 (b) Designated forest land is sold or transferred and a notice of
6 continuance, described in subsection (5)(c) of this section, is signed.

7 (8) If land is removed from designation because of any of the
8 circumstances listed in subsection (5)(a) through (c) of this section, the
9 removal shall apply only to the land affected. If land is removed from
10 designation because of subsection (5)(d) of this section, the removal
11 shall apply only to the actual area of land that is no longer primarily
12 devoted to the growing and harvesting of timber, without regard to any
13 other land that may have been included in the application and approved for
14 designation, as long as the remaining designated forest land meets the
15 definition of forest land contained in RCW 84.33.035.

16 (9) Within thirty days after the removal of designation as forest
17 land, the assessor shall notify the owner in writing, setting forth the
18 reasons for the removal. The seller, transferor, or owner may appeal the
19 removal to the county board of equalization in accordance with the
20 provisions of RCW 84.40.038.

21 (10) Unless the removal is reversed on appeal a copy of the notice of
22 removal with a notation of the action, if any, upon appeal, together with
23 the legal description or assessor's parcel numbers for the land removed
24 from designation shall, at the expense of the applicant, be filed by the
25 assessor in the same manner as deeds are recorded and a notation of
26 removal from designation shall immediately be made upon the assessment and
27 tax rolls. The assessor shall revalue the land to be removed with
28 reference to its true and fair value as of January 1st of the year of
29 removal from designation. Both the assessed value before and after the
30 removal of designation shall be listed. Taxes based on the value of the
31 land as forest land shall be assessed and payable up until the date of
32 removal and taxes based on the true and fair value of the land shall be
33 assessed and payable from the date of removal from designation.

34 (11) Except as provided in subsection (5)(c), (13), or (14) of this
35 section, a compensating tax shall be imposed on land removed from
36 designation as forest land. The compensating tax shall be due and payable
37 to the treasurer thirty days after the owner is notified of the amount of
38 this tax. As soon as possible after the land is removed from designation,
39 the assessor shall compute the amount of compensating tax and mail a

1 notice to the owner of the amount of compensating tax owed and the date
2 on which payment of this tax is due. The amount of compensating tax shall
3 be equal to the difference between the amount of tax last levied on the
4 land as designated forest land and an amount equal to the new assessed
5 value of the land multiplied by the dollar rate of the last levy extended
6 against the land, multiplied by a number, in no event greater than nine,
7 equal to the number of years for which the land was designated as forest
8 land, plus compensating taxes on the land at forest land values up until
9 the date of removal and the prorated taxes on the land at true and fair
10 value from the date of removal to the end of the current tax year.

11 (12) Compensating tax, together with applicable interest thereon,
12 shall become a lien on the land which shall attach at the time the land
13 is removed from designation as forest land and shall have priority to and
14 shall be fully paid and satisfied before any recognizance, mortgage,
15 judgment, debt, obligation, or responsibility to or with which the land
16 may become charged or liable. The lien may be foreclosed upon expiration
17 of the same period after delinquency and in the same manner provided by
18 law for foreclosure of liens for delinquent real property taxes as
19 provided in RCW 84.64.050. Any compensating tax unpaid on its due date
20 shall thereupon become delinquent. From the date of delinquency until
21 paid, interest shall be charged at the same rate applied by law to
22 delinquent ad valorem property taxes.

23 (13) The compensating tax specified in subsection (11) of this section
24 shall not be imposed if the removal of designation under subsection (5)
25 of this section resulted solely from:

26 (a) Transfer to a government entity in exchange for other forest land
27 located within the state of Washington;

28 (b) A taking through the exercise of the power of eminent domain, or
29 sale or transfer to an entity having the power of eminent domain in
30 anticipation of the exercise of such power;

31 (c) A donation of fee title, development rights, or the right to
32 harvest timber, to a government agency or organization qualified under RCW
33 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or
34 the sale or transfer of fee title to a governmental entity or a nonprofit
35 nature conservancy corporation, as defined in RCW 64.04.130, exclusively
36 for the protection and conservation of lands recommended for state natural
37 area preserve purposes by the natural heritage council and natural
38 heritage plan as defined in chapter 79.70 RCW or approved for state
39 natural resources conservation area purposes as defined in chapter 79.71

1 RCW. At such time as the land is not used for the purposes enumerated,
2 the compensating tax specified in subsection (11) of this section shall
3 be imposed upon the current owner;

4 (d) The sale or transfer of fee title to the parks and recreation
5 commission for park and recreation purposes;

6 (e) Official action by an agency of the state of Washington or by the
7 county or city within which the land is located that disallows the present
8 use of the land;

9 (f) The creation, sale, or transfer of forestry riparian easements
10 under RCW 76.13.120;

11 (g) The creation, sale, or transfer of a fee interest or a
12 conservation easement for the riparian open space program under RCW
13 76.09.040;

14 (h) The sale or transfer of land within two years after the death of
15 the owner of at least a fifty percent interest in the land if the land has
16 been assessed and valued as classified forest land, designated as forest
17 land under this chapter, or classified under chapter 84.34 RCW
18 continuously since 1993. The date of death shown on a death certificate
19 is the date used for the purposes of this subsection (13)(h); or

20 (i) The sale or transfer of land after the death of the owner of at
21 least a fifty percent interest in the land if the land has been assessed
22 and valued as classified forest land, designated as forest land under this
23 chapter, or classified under chapter 84.34 RCW continuously since 1993 and
24 the sale or transfer takes place after July 22, 2001, and on or before
25 July 22, 2003, and the death of the owner occurred after January 1, 1991.
26 The date of death shown on a death certificate is the date used for the
27 purposes of this subsection (13)(i).

28 (14) In a county with a population of more than one million
29 inhabitants, the compensating tax specified in subsection (11) of this
30 section shall not be imposed if the removal of designation as forest land
31 under subsection (5) of this section resulted solely from:

32 (a) An action described in subsection (13) of this section; or

33 (b) A transfer of a property interest to a government entity, or to a
34 nonprofit historic preservation corporation or nonprofit nature
35 conservancy corporation, as defined in RCW 64.04.130, to protect or
36 enhance public resources, or to preserve, maintain, improve, restore,
37 limit the future use of, or otherwise to conserve for public use or
38 enjoyment, the property interest being transferred. At such time as the

1 property interest is not used for the purposes enumerated, the
2 compensating tax shall be imposed upon the current owner.

3 **Sec. 13.** RCW 77.12.203 and 1990 1st ex.s. c 15 s 11 are each amended
4 to read as follows:

5 (1) Notwithstanding RCW 84.36.010 or other statutes to the contrary,
6 the director shall pay by April 30th of each year on game lands in each
7 county, if requested by an election under RCW 77.12.201, an amount in lieu
8 of real property taxes equal to that amount paid on similar parcels of
9 open space land taxable under chapter 84.34 RCW or the greater of seventy
10 cents per acre per year or the amount paid in 1984 plus an additional
11 amount for control of noxious weeds equal to that which would be paid if
12 such lands were privately owned. This amount shall not be assessed or
13 paid on department buildings, structures, facilities, game farms, fish
14 hatcheries, tidelands, or public fishing areas of less than one hundred
15 acres.

16 (2) "Game lands," as used in this section and RCW 77.12.201, means
17 those tracts one hundred acres or larger owned in fee by the department
18 and used for wildlife habitat and public recreational purposes. All lands
19 purchased for wildlife habitat, public access or recreation purposes with
20 federal funds in the Snake River drainage basin shall be considered game
21 lands regardless of acreage.

22 (3) This section shall not apply to lands transferred after April 23,
23 1990, to the department from other state agencies.

24 (4) The county shall distribute the amount received under this section
25 in lieu of real property taxes to all property taxing districts except the
26 state in appropriate tax code areas the same way it would distribute local
27 property taxes from private property. The county shall distribute the
28 amount received under this section for weed control to the appropriate
29 weed district.

30 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2005."
31 Correct the title.

EFFECT: The striking amendment: (1) allows the allocation to State
Parks from the Outdoor Recreation Account to be used for renovations;
(2) clarifies the provisions relating to distribution of payments in

lieu of taxes to junior taxing districts to include schools; (3) removes the provision allowing the four accounts to keep their interest (it goes to the general fund); (4) enhances extension of participation in CREP in the Riparian Protection Account criteria; and (5) makes changes to the allocation formula for the Habitat Conservation Account (gives the 5% unallocated portion to DNR and the Department of Fish and Wildlife) and the Outdoor Recreation Account (gives half the 10% unallocated portion to DNR and the Department of Fish and Wildlife).