

SHB 2339 - H AMD 813

By Representative Hinkle

NOT ADOPTED 4/20/2009

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

3
4 "Sec. 1. RCW 79A.15.020 and 2007 c 241 s 27 are each amended to
5 read as follows:

6 The habitat conservation account is established in the state
7 treasury. The board shall administer the account in accordance with
8 chapter 79A.25 RCW and this chapter, and shall hold it separate and
9 apart from all other money, funds, and accounts of the board. By
10 January 1, 2010, the state treasurer shall transfer from the habitat
11 conservation account to the parks renewal and stewardship account
12 created in RCW 79A.05.215, seven million five hundred thousand
13 dollars.

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15 **Sec. 2.** RCW 79A.15.120 and 2009 c 16 s 2 are each amended to read
16 as follows:

17 (1) The riparian protection account is established in the state
18 treasury. The board must administer the account in accordance with
19 chapter 79A.25 RCW and this chapter, and hold it separate and apart
20 from all other money, funds, and accounts of the board.

21 (2) Moneys appropriated for this chapter to the riparian
22 protection account must be distributed for the acquisition or
23 enhancement or restoration of riparian habitat. All enhancement or
24 restoration projects, except those qualifying under subsection (9)(a)
25 of this section, must include the acquisition of a real property
26 interest in order to be eligible.

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

8 (4) The board may adopt rules establishing acquisition policies
9 and priorities for distributions from the riparian protection account.

10 (5) Except as provided in RCW 79A.15.030(7), moneys appropriated
11 for this section may not be used by the board to fund staff positions
12 or other overhead expenses, or by a state, regional, or local agency
13 to fund operation or maintenance of areas acquired under 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 board may not approve a local project where the local
19 agency share is less than the amount to be awarded from the riparian
20 protection account. In-kind contributions, including contributions of
21 a real property interest in land may be used to satisfy the local
22 agency's share.

23 (8) State agencies receiving grants for acquisition of land under
24 this section must pay an amount in lieu of real property taxes equal
25 to the amount of tax that would be due if the land were taxable as
26 open space land under chapter 84.34 RCW except taxes levied for any
27 state purpose, plus an additional amount for control of noxious weeds
28 equal to that which would be paid if such lands were privately owned.
29 The county assessor and county legislative authority shall assist in
30 determining the appropriate calculation of the amount of tax that
31 would be due.

32 (9) In determining acquisition priorities with respect to the
33 riparian protection account, the board must consider, at a minimum,
34 the following criteria:

1 (a) Whether the project continues the conservation reserve
2 enhancement program. Applications that extend the duration of leases
3 of riparian areas that are currently enrolled in the conservation
4 reserve enhancement program shall be eligible. Such applications are
5 eligible for a conservation lease extension of at least twenty-five
6 years of duration;

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

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

13 (d) Whether the proposal includes an ongoing stewardship program
14 that includes control of noxious weeds, detrimental invasive species,
15 and that identifies the source of the funds from which the stewardship
16 program will be funded;

17 (e) Whether there is an immediate threat to the site;

18 (f) Whether the quality of the habitat is improved or, for
19 projects including restoration or enhancement, the potential for
20 restoring quality habitat including linkage of the site to other high
21 quality habitat;

22 (g) Whether the project is consistent with a local land use plan,
23 or a regional or statewide recreational or resource plan. The
24 projects that assist in the implementation of local shoreline master
25 plans updated according to RCW 90.58.080 or local comprehensive plans
26 updated according to RCW 36.70A.130 must be highly considered in the
27 process;

28 (h) Whether the site has educational or scientific value; and

29 (i) Whether the site has passive recreational values for walking
30 trails, wildlife viewing, or the observation of natural settings.

31 (10) Before November 1st of each even-numbered year, the board
32 will recommend to the governor a prioritized list of projects to be
33 funded under this section. The governor may remove projects from the
34 list recommended by the board and will submit this amended list in the

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

4 (11) By January 1, 2010, the state treasurer shall transfer from the
5 riparian protection account to the parks renewal and stewardship
6 account created in RCW 79A.05.215, seven million five hundred thousand
7 dollars.

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9 **Sec. 3.** RCW 79A.15.130 and 2007 c 241 s 38 are each amended to
10 read as follows:

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

19 (2)(a) Moneys appropriated for this chapter to the farmlands
20 preservation account may be distributed for (i) the fee simple or less
21 than fee simple acquisition of farmlands; (ii) the enhancement or
22 restoration of ecological functions on those properties; or (iii)
23 both. In order for a farmland preservation grant to provide for an
24 environmental enhancement or restoration project, the project must
25 include the acquisition of a real property interest.

26 (b) If a city or county acquires a property through this program
27 in fee simple, the city or county shall endeavor to secure
28 preservation of the property through placing a conservation easement,
29 or other form of deed restriction, on the property which dedicates the
30 land to agricultural use and retains one or more property rights in
31 perpetuity. Once an easement or other form of deed restriction is
32 placed on the property, the city or county shall seek to sell the
33 property, at fair market value, to a person or persons who will
34 maintain the property in agricultural production. Any moneys from the

1 sale of the property shall either be used to purchase interests in
2 additional properties which meet the criteria in subsection (9) of
3 this section, or to repay the grant from the state which was
4 originally used to purchase the property.

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

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

11 (5) The acquisition of a property right in a project under this
12 section by a county or city does not provide a right of access to the
13 property by the public unless explicitly provided for in a
14 conservation easement or other form of deed restriction.

15 (6) Except as provided in RCW 79A.15.030(7), moneys appropriated
16 for this section may not be used by the board to fund staff positions
17 or other overhead expenses, or by a city or county to fund operation
18 or maintenance of areas acquired under this chapter.

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

23 (8) The board may not approve a local project where the local
24 agency's share is less than the amount to be awarded from the
25 farmlands preservation account. In-kind contributions, including
26 contributions of a real property interest in land, may be used to
27 satisfy the local agency's share.

28 (9) In determining the acquisition priorities, the board must
29 consider, at a minimum, the following criteria:

30 (a) Community support for the project;

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

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

3 (d) Consistency with a local land use plan, or a regional or
4 statewide recreational or resource plan. The projects that assist in
5 the implementation of local shoreline master plans updated according
6 to RCW 90.58.080 or local comprehensive plans updated according to RCW
7 36.70A.130 must be highly considered in the process;

8 (e) Benefits to salmonids;

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

10 (g) Integration with recovery efforts for endangered, threatened,
11 or sensitive species;

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

14 (i) Soil types;

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

18 (iii) Suitability for producing different types or varieties of
19 crops;

20 (iv) Farm-to-market access;

21 (v) Water availability; and

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

24 (i) Viewshed;

25 (ii) Aquifer recharge;

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

27 (iv) Agricultural sector job creation;

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

29 (vi) Educational and curriculum potential.

30 (10) In allotting funds for environmental enhancement or
31 restoration projects, the board will require the projects to meet the
32 following criteria:

33 (a) Enhancement or restoration projects must further the
34 ecological functions of the farmlands;

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

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

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

10 (11) Before November 1st of each even-numbered year, the board
11 will recommend to the governor a prioritized list of all projects to
12 be funded under this section. The governor may remove projects from
13 the list recommended by the board and must submit this amended list in
14 the capital budget request to the legislature. The list must include,
15 but not be limited to, a description of each project and any
16 particular match requirement.

17 (12) By January 1, 2010, the state treasurer shall transfer from
18 the farmlands preservation account to the parks renewal and
19 stewardship account created in RCW 79A.05.215, seven million five
20 hundred thousand dollars.

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24 **Sec. 4.** RCW 79A.25.060 and 2007 c 241 s 43 are each amended to
25 read as follows:

26 The outdoor recreation account is created in the state treasury.
27 Moneys in the account are subject to legislative appropriation. The
28 board shall administer the account in accordance with chapter 79A.15
29 RCW and this chapter, and shall hold it separate and apart from all
30 other money, funds, and accounts of the board.

31 Grants, gifts, or other financial assistance, proceeds received
32 from public bodies as administrative cost contributions, and moneys
33 made available to the state of Washington by the federal government
34 for outdoor recreation, may be deposited into the account.

1 By January 1, 2010, the state treasurer shall transfer from the
2 outdoor recreation account to the parks renewal and stewardship
3 account created in RCW 79A.05.215, seven million five hundred thousand
4 dollars.

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6 **Sec. 5.** RCW 79A.05.215 and 2007 c 340 s 2 are each amended to
7 read as follows:

8 The state parks renewal and stewardship account is created in the
9 state treasury. Except as otherwise provided in this chapter, all
10 receipts from user fees, concessions, leases, donations collected
11 under RCW 46.16.076, and other state park-based activities shall be
12 deposited into the account. Expenditures from the account may be used
13 for operating state parks, developing and renovating park facilities,
14 undertaking deferred maintenance, enhancing park stewardship, and
15 other state park purposes. Expenditures from the account may be made
16 only after appropriation by the legislature. All transfers into the
17 parks renewal and stewardship account from the riparian protection
18 account, the habitat conservation account, the outdoor recreation
19 account, and the farmlands preservation account must be used for the
20 maintenance and operations of state parks."

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22 Correct the title.

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EFFECT: Transfers a total of \$25 million from the Washington
Wildlife and Recreation Accounts into the Parks Renewal and
Stewardship Account. Requires that the transferred funds be used
for the maintenance and operation of state parks.

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