

HOUSE BILL REPORT

SHB 1957

As Passed Legislature

Title: An act relating to qualified applicants and procedures within the Washington wildlife and recreation program.

Brief Description: Identifying qualified applicants and procedures within the Washington wildlife and recreation program.

Sponsors: House Committee on Capital Budget (originally sponsored by Representatives Jacks, Warnick and Van De Wege).

Brief History:

Committee Activity:

Capital Budget: 2/9/09, 2/19/09 [DPS].

Floor Activity:

Passed House: 3/6/09, 64-32.

Senate Amended.

Passed Senate: 3/31/09, 35-13.

House Concurred.

Passed House: 4/20/09, 65-29.

Passed Legislature.

Brief Summary of Substitute Bill

- Removes mitigation banking projects from the list of allowable uses of Washington Wildlife and Recreation Program (WWRP) funds in the Habitat Conservation Account and the Riparian Protection Account.
- Adds nonprofit nature conservancy organizations and associations to the list of eligible recipients of WWRP funding.
- Adds the Conservation Commission to the list of eligible recipients of funding from the Riparian Protection Account and the Farmlands Preservation Account.
- Directs the Recreation and Conservation Office to evaluate different land preservation mechanisms.

HOUSE COMMITTEE ON CAPITAL BUDGET

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Blake, Chase, Hope, Jacks, Maxwell, Orwall, Smith and White.

Minority Report: Do not pass. Signed by 3 members: Representatives Pearson, Assistant Ranking Minority Member; Anderson and McCune.

Staff: Annie Pennucci (786-7142)

Background:

The Washington Wildlife and Recreation Program (WWRP), created by the 1990 Legislature, provides funds for the acquisition and development of local and state parks, water access sites, trails, critical wildlife habitat, and urban wildlife habitat. Counties, cities, ports, park and recreation districts, school districts, state agencies, and tribes are eligible to apply. Grant applications are evaluated annually; the Recreation and Conservation Funding Board (RCFB) submits a list of prioritized projects to the Governor and Legislature for approval. In the 2007-09 biennial capital budget, the WWRP received \$100 million in state general obligation bonds. Table 1 displays historical appropriations for the WWRP.

Table 1: The WWRP State Capital Budget Appropriations

Biennium	Appropriation
1991-93	\$ 50,000,000
1993-95	\$ 65,000,000
1995-97	\$ 45,000,000
1997-99	\$ 45,000,000
1999-01	\$ 48,000,000
2001-03	\$ 45,000,000
2003-05	\$ 45,000,000
2005-07	\$ 50,000,000
2007-09	\$ 100,000,000

When biennial funding is less than \$40 million, half of the WWRP funding is distributed to the Habitat Conservation Account and half to the Outdoor Recreation Account. If biennial funding is more than \$40 million, a portion of the funding is distributed to the Riparian Protection Account and the Farmlands Preservation Account. Allowable uses of funds in each of the four WWRP accounts are summarized in Table 2.

Table 2: Allowable Uses of the WWRP Funds, by Account

Habitat Conservation	Outdoor Recreation	Riparian Protection	Farmlands Preservation
<ul style="list-style-type: none"> • Critical habitat • Natural areas 	<ul style="list-style-type: none"> • Local parks • State parks 	<ul style="list-style-type: none"> • Acquisition, enhancement, or restoration 	<ul style="list-style-type: none"> • Acquisition and preservation of farmlands

<ul style="list-style-type: none"> • State lands restoration and enhancement • Urban wildlife habitat 	<ul style="list-style-type: none"> • State lands development and renovation • Trails • Water access 	of riparian habitat
---	--	---------------------

In the Habitat Conservation Account and the Riparian Protection Account, allowable uses of funds include mitigation banking projects. A mitigation bank means a site where habitat is created, restored, enhanced, or preserved to offset authorized project impacts to similar areas. The WWRP mitigation banking funds may not be used to supplant an obligation of a state or local agency to provide mitigation.

The Conservation Commission provides grants and technical assistance to local conservation districts throughout Washington.

Nonprofit nature conservancies acquire land and purchase conservation easements to preserve land that is under private ownership.

Summary of Substitute Bill:

The bill removes mitigation banking projects from the statutory list of allowable uses of the Habitat Conservation Account and the Riparian Protection Account.

The bill adds nonprofit nature conservancy organizations and associations to the list of eligible recipients of funding from the four WWRP accounts, and adds the Conservation Commission to eligible recipients of funding from the Riparian Protection Account and the Farmlands Preservation Account.

The Recreation and Conservation Office is directed to evaluate and report on the advantages, disadvantages, and costs of various land preservation mechanisms including fee simple acquisitions, conservation easements, term conservation easements, and leases.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This agency-requested bill cleans up language related to allowed uses of WWRP funds. Mitigation banking was added to the WWRP accounts in 2005, but no projects have been successfully completed and no recent applications for mitigation banking have been made. Mitigation banking did not compete well in the WWRP grant program, and these types of projects are expensive to administer due to the complex financing required.

Additionally, the State Treasurer indicates that tax-exempt bonds cannot be used for private gain, thus limiting the potential use of WWRP funds for mitigation banking.

Qualified nonprofit nature conservancy organizations and associations should be added to the list of authorized WWRP grant recipients because they are already the lead entities on many WWRP projects (but are currently required to partner with eligible recipients), and they can provide the 50-percent match in funds. Also, sometimes farmers are more willing to work with these local and regional agencies than with state agencies, and nonprofit organizations may be able to complete projects more quickly and efficiently. Expanding eligibility to nonprofit nature conservancy organizations will increase the quantity, and therefore quality, of WWRP applicants.

(Opposed) None.

Persons Testifying: Representative Jacks, prime sponsor; Jim Fox, Recreation Conservation Office; Marcia Fromhold, Washington Wildlife and Recreation Coalition; Eric Erler, Washington Association of Land Trusts; Jack Field, Washington Cattlemen's Association; and Bill Robinson, The Nature Conservancy.

Persons Signed In To Testify But Not Testifying: None.