

2 **SSB 6575 - H COMM AMD Adopted March 5, 2002**
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 79.70.030 and 1994 c 264 s 61 are each amended to
8 read as follows:

9 In order to set aside, preserve, and protect natural areas within
10 the state, the department is authorized, in addition to any other
11 powers, to:

12 (1) Establish (~~by rule and regulation~~) the criteria for
13 selection, acquisition, management, protection, and use of such natural
14 areas, including:

15 (a) Limiting public access to natural area preserves consistent
16 with the purposes of this chapter. Where appropriate, and on a case-
17 by-case basis, a buffer zone with an increased low level of public
18 access may be created around the environmentally sensitive areas;

19 (b) Developing a management plan for each designated natural area
20 preserve. The plan must identify the significant resources to be
21 conserved consistent with the purposes of this chapter and identify the
22 areas with potential for low-impact public and environmental
23 educational uses. The plan must specify the types of management
24 activities and public uses that are permitted, consistent with the
25 purposes of this chapter. The department must make the plans available
26 for review and comment by the public, and state, tribal, and local
27 agencies, prior to final approval;

28 (2) Cooperate or contract with any federal, state, or local
29 governmental agency, private organizations, or individuals in carrying
30 out the purpose of this chapter;

31 (3) Consistent with the plan, acquire by gift, devise, purchase,
32 grant, dedication, or means other than eminent domain, the fee or any
33 lesser right or interest in real property which shall be held and
34 managed as a natural area;

35 (4) Acquire by gift, devise, grant, or donation any personal
36 property to be used in the acquisition and/or management of natural
37 areas;

1 (5) Inventory existing public, state, and private lands in
2 cooperation with the council to assess possible natural areas to be
3 preserved within the state;

4 (6) Maintain a natural heritage program to provide assistance in
5 the selection and nomination of areas containing natural heritage
6 resources for registration or dedication. The program shall maintain
7 a classification of natural heritage resources, an inventory of their
8 locations, and a data bank for such information. The department of
9 natural resources shall cooperate with the department of fish and
10 wildlife in the selection and nomination of areas from the data bank
11 that relate to critical wildlife habitats. Information from the data
12 bank shall be made available to public and private agencies and
13 individuals for environmental assessment and proprietary land
14 management purposes. Usage of the classification, inventory, or data
15 bank of natural heritage resources for any purpose inconsistent with
16 the natural heritage program is not authorized;

17 (7) Prepare a natural heritage plan which shall govern the natural
18 heritage program in the conduct of activities to create and manage a
19 system of natural areas (~~which~~) that includes natural resources
20 conservation areas, and may include areas designated under the research
21 natural area program on federal lands in the state;

22 (a) The plan shall list the natural heritage resources to be
23 considered for registration and shall provide criteria for the
24 selection and approval of natural areas under this chapter;

25 (b) The department shall provide opportunities for input, comment,
26 and review to the public, other public agencies, and private groups
27 with special interests in natural heritage resources during preparation
28 of the plan;

29 (c) Upon approval by the council and adoption by the department,
30 the plan shall be updated and submitted biennially to the appropriate
31 committees of the legislature for their information and review. The
32 plan shall take effect ninety days after the adjournment of the
33 legislative session in which it is submitted unless the reviewing
34 committees suggest changes or reject the plan; and

35 (8) Maintain a state register of natural areas containing
36 significant natural heritage resources to be called the Washington
37 register of natural area preserves. Selection of natural areas for
38 registration shall be in accordance with criteria listed in the natural
39 heritage plan and accomplished through voluntary agreement between the

1 owner of the natural area and the department. No privately owned lands
2 may be proposed to the council for registration without prior notice to
3 the owner or registered without voluntary consent of the owner. No
4 state or local governmental agency may require such consent as a
5 condition of any permit or approval of or settlement of any civil or
6 criminal proceeding or to penalize any landowner in any way for failure
7 to give, or for withdrawal of, such consent.

8 (a) The department shall adopt rules and regulations as authorized
9 by RCW 43.30.310 and 79.70.030(1) and chapter 34.05 RCW relating to
10 voluntary natural area registration.

11 (b) After approval by the council, the department may place sites
12 onto the register or remove sites from the register.

13 (c) The responsibility for management of registered natural area
14 preserves shall be with the preserve owner. A voluntary management
15 agreement may be developed between the department and the owners of the
16 sites on the register.

17 (d) Any public agency may register lands under provisions of this
18 chapter.

19 **Sec. 2.** RCW 79.70.060 and 1981 c 189 s 2 are each amended to read
20 as follows:

21 The legislature finds:

22 (1) That it is necessary to establish a process and means for
23 public and private sector cooperation in the development of a system of
24 natural areas. Private and public landowners should be encouraged to
25 participate in a program of natural area establishment which will
26 benefit all citizens of the state;

27 (2) That there is a need for a systematic and accessible means for
28 providing information concerning the locations of the state's natural
29 heritage resources; and

30 (3) That the natural heritage advisory council should utilize a
31 specific framework for natural heritage resource conservation decision
32 making through a classification, inventory, priority establishment,
33 acquisition, and management process known as the natural heritage
34 program. Future natural areas should avoid unnecessary duplication of
35 already protected natural heritage resources including those which may
36 already be protected in existing publicly owned or privately dedicated
37 lands such as nature preserves, natural areas, natural resources
38 conservation areas, parks, or wilderness.

1 **Sec. 3.** RCW 79.70.080 and 1994 c 264 s 63 are each amended to read
2 as follows:

3 (1) The council shall:

4 (a) Meet at least annually and more frequently at the request of
5 the chairperson;

6 (b) Recommend policy for the natural heritage program through the
7 review and approval of the natural heritage plan;

8 (c) Advise the department, the department of fish and wildlife, the
9 state parks and recreation commission, and other state agencies
10 managing state-owned land or natural resources regarding areas under
11 their respective jurisdictions which are appropriate for natural area
12 registration or dedication;

13 (d) Advise the department of rules and regulations that the council
14 considers necessary in carrying out this chapter; (~~and~~)

15 (e) Review and approve area nominations by the department or other
16 agencies for registration and review and comment on legal documents for
17 the voluntary dedication of such areas;

18 (f) Recommend whether new areas proposed for protection be
19 established as natural area preserves, natural resources conservation
20 areas, a combination of both, or by some other protected status; and

21 (g) Review and comment on management plans proposed for individual
22 natural area preserves.

23 (2) From time to time, the council shall identify areas from the
24 natural heritage data bank which qualify for registration. Priority
25 shall be based on the natural heritage plan and shall generally be
26 given to those resources which are rarest, most threatened, or under-
27 represented in the heritage conservation system on a statewide basis.
28 After qualifying areas have been identified, the department shall
29 advise the owners of such areas of the opportunities for acquisition or
30 voluntary registration or dedication."

--- END ---