

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5612

52nd Legislature
1991 Regular Session

Passed by the Senate April 28, 1991
Yeas 46 Nays 1

President of the Senate

Passed by the House April 28, 1991
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5612** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5612

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Bluechel, Snyder, Metcalf and Stratton; by request of Department of Natural Resources).

Read first time February 25, 1991.

1 AN ACT Relating to natural resources conservation areas; amending
2 RCW 79.71.010, 79.71.020, 79.71.030, 79.71.050, 79.71.060, 79.71.070,
3 79.71.080, and 79.71.090; adding a new section to chapter 77.12 RCW;
4 creating new sections; and repealing RCW 79.71.110.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 79.71.010 and 1987 c 472 s 1 are each amended to read
7 as follows:

8 The legislature finds that: (1) (~~That~~) There is an increasing
9 and continuing need by the people of Washington for certain areas of
10 the state to be conserved, in rural as well as urban settings, for the
11 benefit of present and future generations; (2) (~~that~~) such areas are
12 worthy of conservation for their outstanding scenic and ecological
13 values and provide opportunities for (~~dispersed~~) low impact public
14 (~~recreation~~) use; (3) (~~that~~) in certain cases acquisition of
15 property or rights in property is necessary to protect these areas for

1 public purposes; and (4) ~~((that))~~ there is a need for ~~((an))~~ a state
2 agency to act in an effective and timely manner to acquire interests in
3 such areas and to develop appropriate management strategies for
4 conservation purposes.

5 **Sec. 2.** RCW 79.71.020 and 1987 c 472 s 2 are each amended to read
6 as follows:

7 Lands possessing the following characteristics are considered by
8 the legislature to be worthy of consideration for conservation
9 purposes:

10 (1) Lands identified as having high priority for conservation,
11 natural systems, wildlife, and ~~((dispersed recreational))~~ low-impact
12 public use values;

13 ~~((Prime natural features of the Washington landscape or~~
14 ~~portions thereof, inland or coastal wetlands, significant littoral,~~
15 ~~estuarine, or aquatic sites, or important geological features))~~ An area
16 of land or water, or land and water, that has flora, fauna, geological,
17 archaeological, scenic, or similar features of critical importance to
18 the people of Washington and that has retained to some degree or has
19 reestablished its natural character;

20 (3) Examples of native ecological communities; and

21 (4) Environmentally significant sites threatened with conversion to
22 incompatible or ecologically irreversible uses.

23 **Sec. 3.** RCW 79.71.030 and 1987 c 472 s 3 are each amended to read
24 as follows:

25 As used in this chapter:

26 "Commissioner" means the commissioner of public lands.

27 "Department" means the department of natural resources.

1 "Conservation purposes" include but are not limited to: (1)
2 Maintaining, enhancing, or restoring ecological systems, including but
3 not limited to aquatic, coastal, riparian, montane, and geological
4 systems, whether such systems be unique or typical to the state of
5 Washington; (2) maintaining exceptional scenic landscapes; (3)
6 maintaining habitat for threatened, endangered, and sensitive species;
7 (4) enhancing sites for primitive recreational purposes; and (5)
8 outdoor environmental education.

9 "Low-impact public use" includes public recreation uses and
10 improvements that do not adversely affect the resource values, are
11 appropriate to the maintenance of the site in a relatively unmodified
12 natural setting, and do not detract from long-term ecological
13 processes.

14 "Management (~~(for conservation purposes)~~) activities" may include
15 limited production of income from forestry, agriculture, or other
16 resource management activities, if such actions are consistent with the
17 other purposes and requirements of this chapter.

18 (~~("Washington natural resources conservation area" is an area of~~
19 ~~land and/or water which retains to some degree or has reestablished its~~
20 ~~natural character, although it need not be completely undisturbed, or~~
21 ~~has flora, fauna, geological, archaeological, scenic, or similar~~
22 ~~features of critical importance to the people of Washington.))~~

23 "Natural resources conservation area" or "conservation area" means
24 an area having the characteristics identified in RCW 79.71.020.

25 **Sec. 4.** RCW 79.71.050 and 1987 c 472 s 5 are each amended to read
26 as follows:

27 The department is authorized to transfer fee simple interest or
28 less than fee interests in trust land, as defined by Article XVI of the
29 Washington Constitution, for the creation of natural resources

1 conservation ((management)) areas, ((providing there is)) provided the
2 owner of the trust land receives full fair market value compensation
3 for all rights transferred. The proceeds from such transfers shall be
4 used for the exclusive purpose of acquiring real property to replace
5 those interests utilized for the conservation area in order to meet the
6 department's fiduciary obligations and to maintain the productive land
7 base of the various trusts.

8 **Sec. 5.** RCW 79.71.060 and 1987 c 472 s 6 are each amended to read
9 as follows:

10 The department shall hold a public hearing in the county where the
11 majority of the land in the proposed natural resources conservation
12 area is located prior to establishing the boundary. An area proposed
13 for designation must contain resources consistent with ((the purposes
14 of this chapter)) characteristics identified in RCW 79.71.020.

15 **Sec. 6.** RCW 79.71.070 and 1987 c 472 s 7 are each amended to read
16 as follows:

17 The department shall develop a management plan for each designated
18 area. The plan shall identify the significant resources to be
19 conserved consistent with the purposes of this chapter and identify the
20 areas with potential for ((primitive recreation)) low-impact public and
21 environmental educational uses. The plan shall specify what types of
22 management activities ((will be)) and public uses that are permitted,
23 consistent with the conservation purposes of this chapter. The
24 department shall make such plans available for review and comment by
25 the public and other state, tribal, and local agencies, prior to final
26 approval by the commissioner.

1 **Sec. 7.** RCW 79.71.080 and 1987 c 472 s 8 are each amended to read
2 as follows:

3 The department is authorized to administer natural ~~((resource[s]))~~
4 resources conservation areas and may enter into management agreements
5 for these areas with ~~((other))~~ federal agencies, state agencies, local
6 governments, and private nonprofit conservancy corporations, as defined
7 in RCW 64.04.130, when such agreements are consistent with the purposes
8 of acquisition as defined in the adopted ~~((site))~~ management plan. All
9 management activities within a Washington natural resources
10 conservation area will conform with the plan. Any moneys derived from
11 the management of these areas in conformance with the adopted plan
12 shall be deposited in the natural resources conservation areas
13 stewardship account ~~((established in RCW 79.71.090))~~.

14 **Sec. 8.** RCW 79.71.090 and 1987 c 472 s 9 are each amended to read
15 as follows:

16 There is hereby created the natural resources conservation areas
17 stewardship account in the state treasury to ensure proper and
18 continuing management of land acquired or designated pursuant to this
19 chapter. Funds for the stewardship account shall be derived from
20 appropriations of state general funds, federal funds, grants,
21 donations, gifts, bond issue receipts, securities, and other monetary
22 instruments of value. Income derived from the management of natural
23 resources conservation areas shall also be deposited in this
24 stewardship account. The state treasurer may not deduct a fee for
25 managing the funds in the stewardship account.

26 Appropriations from this account to the department shall be
27 expended for no other purpose than the following: (1) To manage the
28 areas approved by the legislature in fulfilling the purposes of this
29 chapter; (2) to manage property acquired as natural area preserves

1 under chapter 79.70 RCW; (3) to manage property transferred under the
2 authority and appropriation provided by the legislature to be managed
3 under chapter 79.70 RCW or this chapter or acquired under chapter
4 43.98A RCW; and (4) to pay for operating expenses for the natural
5 heritage program under chapter 79.70 RCW.

6 NEW SECTION. Sec. 9. The balance in the conservation area
7 account is transferred to the natural resources conservation areas
8 stewardship account under RCW 79.71.090.

9 NEW SECTION. Sec. 10. Two million dollars from the existing
10 stewardship account balance shall remain in the account to create an
11 endowment.

12 NEW SECTION. Sec. 11. RCW 79.71.110 and 1987 c 472 s 11 are
13 each repealed.

14 NEW SECTION. Sec. 12. A new section is added to chapter 77.12 RCW
15 to read as follows:

16 (1) The Union Bay portion of Lake Washington is recognized as a
17 prime wetland area that is of significant importance for wildlife
18 habitat, educational opportunity, and recreation. It is also situated
19 near an important research institution, the University of Washington.

20 (2) The department shall coordinate a cooperative planning effort,
21 to include all interested property owners and managers within or
22 adjacent to Union Bay, and other interested parties, to identify and
23 plan for the Union Bay cooperative wildlife habitat management area.
24 The boundaries of the area shall be delineated by all cooperators in
25 the effort. The plan may not contain restrictions or limitations on
26 the rights of property owners that are more restrictive than the

1 restrictions and limitations in effect on the effective date of this
2 section. The plan may not contain restrictions on water-related uses
3 of the bay that are more restrictive than those in effect on the
4 effective date of this section.

5 (3) The department and cooperators identified pursuant to
6 subsection (2) of this section shall identify wildlife resources of,
7 wildlife management objectives for, and compatible uses with wildlife
8 in the Union Bay cooperative wildlife habitat management area. The
9 department and cooperators shall also identify appropriate
10 environmental education opportunities for the area. The department and
11 cooperators shall develop a plan for comanagement of the Union Bay
12 cooperative wildlife habitat management area.

13 (4) The department shall provide progress reports to the house of
14 representatives committee on fisheries and wildlife and the senate
15 committee on environment and natural resources by December 1, 1991, and
16 December 1, 1992.

17 (5) The department may solicit gifts, grants, conveyances,
18 bequests, and devises, whether real or personal property, or both, in
19 trust or otherwise, to be directed to the department for carrying out
20 the purposes of this section. The department may solicit contracts for
21 work, financial and in-kind contributions, and support from private
22 industries, interest groups, federal and state sources, and other
23 sources, for the purposes of this section.

24 NEW SECTION. **Sec. 13.** If specific funding for the purposes of
25 section 12 of this act, referencing section 12 of this act by bill and
26 section number, is not provided by June 30, 1991, in the omnibus
27 appropriations act, section 12 of this act shall be null and void.