

# SENATE BILL REPORT

## SSB 6227

---

As Amended by House, March 2, 2016

**Title:** An act relating to implementing the recommendations of the 2015 review of the Washington wildlife and recreation program.

**Brief Description:** Implementing the recommendations of the 2015 review of the Washington wildlife and recreation program.

**Sponsors:** Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Keiser, Rolfes, Conway, Ranker, McAuliffe, Mullet and Chase; by request of Recreation and Conservation Office).

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 1/21/16, 1/27/16 [DPS].

Passed Senate: 2/03/16, 46-0.

Passed House: 3/02/16, 77-20.

**Brief Summary of Substitute Bill**

- Modifies a portion of the current WWRP account structure.
- Shifts allocation among the WWRP accounts, as well as within the Habitat Conservation Account and Outdoor Recreation Account.
- Changes some WWRP eligibility and application processes.
- Modifies allowable costs and management requirements under the WWRP.

---

### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 6227 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Jayapal, Ranking Member; Chase, Fraser, Hewitt and Warnick.

**Staff:** Curt Gavigan (786-7437)

---

*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.*

**Background:** Washington Wildlife and Recreation Program (WWRP) Generally. The WWRP provides capital budget funds for the acquisition and development of land for outdoor recreation, habitat conservation, and farmland preservation. Eligible recipients include state agencies, local governments, tribes, and nonprofit entities. The WWRP consists of four accounts: the Habitat and Conservation Account (HCA); the Outdoor Recreation Account (ORA); the Riparian Protection Account (RPA); and the Farmland Preservation Account (FPA).

Each of the accounts receive funds according to a statutory formula, with the HCA and ORA each including multiple funding categories within that account.

The statute provides rulemaking and grant review and prioritization authority to the Recreation and Conservation Funding Board (RCFB), which is administrated by the Recreation and Conservation Office (RCO).

2015 WWRP Review. A 2015 capital budget proviso directed RCO to convene and facilitate a stakeholder process to review and make recommendations on the WWRP. RCO submitted a report to the Legislature in December 2015, which includes background on WWRP project funding, a summary of the review process, and a series of statutory and administrative recommendations.

**Summary of Substitute Bill:** Modifies WWRP's Account Structure. Several changes are made to the WWRP's account structure. These changes:

- eliminate the RPA as a separate account and create a new riparian protection funding category within the HCA; and
- rename the FPA as the Farm & Forests Account (FFA), with 90 percent of funds dedicated to farmland preservation projects and 10 percent for projects on forest land. Priorities are set for forestland funds including community support, likelihood of conversion, and existence of multiple benefits.

Shifts Allocation Among WWRP's Accounts. The allocation among WWRP accounts is modified from a structure that varies based on the appropriation level to a structure that provides 45 percent to the HCA, 45 percent to the ORA, and 10 percent to the FFA, regardless of the amount of the appropriation.

Current	SB 6227
Appropriations of \$40 M or less: <ul style="list-style-type: none"> <li>• 50% - HCA</li> <li>• 50% - ORA</li> </ul>	Appropriations at all levels: <ul style="list-style-type: none"> <li>• 45% - HCA</li> <li>• 45% - ORA</li> <li>• 10% - FFA</li> </ul>
Appropriations over \$40 M: <ul style="list-style-type: none"> <li>• \$20 M - HCA</li> <li>• \$20 M - ORA</li> <li>• Amounts between \$40-50 M:               <ul style="list-style-type: none"> <li>• 10% - HCA</li> <li>• 10% - ORA</li> <li>• 40% - RPA</li> <li>• 40% - FPA</li> </ul> </li> </ul>	

- Amounts over \$50 M:
  - 30% - HCA
  - 30% - ORA
  - 30% - RPA
  - 10% - FPA

Shifts Allocation Within the HCA. An additional funding category is established for riparian habitat within the HCA, and the percentage of funds for state lands restoration and enhancement is increased. The percentage of funding for each of the remaining categories decreases.

Current	SB 6227
Allocation within the HCA: <ul style="list-style-type: none"> <li>• 45% - Critical habitat</li> <li>• 30% - Natural areas</li> <li>• 20% - Urban wildlife habitat</li> <li>• 5% - State lands restoration and enhancement (DFW &amp; DNR)</li> </ul>	Allocation within the HCA: <ul style="list-style-type: none"> <li>• 35% - Critical habitat</li> <li>• 25% - Natural areas</li> <li>• 15% - Riparian habitat</li> <li>• 15% - Urban wildlife</li> <li>• Lesser of 10% or \$3 M for state lands restoration and enhancement (DFW, DNR, State Parks). Amounts in excess of \$3 M are for riparian habitat</li> </ul>

Shifts Allocation Within the ORA. The percentage of funds for state recreational lands within the ORA is increased by 5%, while the amount for water access sites is decreased by 5 percent.

Current	SB 6227
Allocation within the ORA: <ul style="list-style-type: none"> <li>• 30% - State Parks, at least 50% for acquisition</li> <li>• 30% - Local parks, at least 50% for acquisition</li> <li>• 20% - Trails</li> <li>• 15% - Water access sites</li> <li>• 5% - State recreational lands (DFW &amp; DNR)</li> </ul>	Allocation within the ORA: <ul style="list-style-type: none"> <li>• 30% - State Parks, 40-50% for acquisition</li> <li>• 30% - Local parks, 40-50% for acquisition</li> <li>• 20% - Trails</li> <li>• 10% - Water access sites</li> <li>• Lesser of 10% or \$3 M for state recreational lands (DFW &amp; DNR). Amounts in excess of \$3 M are for water access sites</li> </ul>

Modifies WWRP Eligibility and Application Processes.

- Expands eligibility for nonprofit nature conservancies within the HCA to include the natural areas, critical habitat, and urban wildlife categories.
- Allows State Parks to apply for funding from the restoration and enhancement category within the HCA, in addition to DFW and DNR.
- Directs the RCFB to consider multiple benefits provided by a project when setting acquisition priorities from the HCA.

- Specifies that in addition to reviewing an application with the appropriate local governments, applicants must confer with them as well.

Modifies Allowable Costs and Management Requirements Under the WWRP.

- Adds noxious weed control to allowable incidental costs paid from HCA grant for land acquisitions, in addition to currently authorized costs such as fencing and surveying.
- Specifies that development, recreational access, or fee simple acquisition projects must be accessible for recreation and outdoor education unless the RCFB approves a limitation to protect sensitive species, water quality, or public safety.
- Allows the RCFB to waive a local match for projects that meet the needs of an underserved population or a community in need, as defined by the RCFB. The usual requirement is that a local agency match equals the amount awarded from the ORA.

Includes Definitions and Implementing Provisions.

- Makes changes to allocation under the WWRP effective for appropriations after July 1, 2016.
- Defines terms and modifies existing definitions.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill is in response to several years of conversations around how to improve the WWRP, and meets identified needs including focusing on projects with multiple benefits, emphasizing the renovation and development of state lands, opening up more categories to nonprofits, and providing a simpler allocation formula. The bill creates connections to rural areas. In order to promote quick implementation, there is a desire to include an emergency clause. Although stakeholders have worked together to reach compromises around this bill, individual groups do have concerns about things like reduced conservation and riparian protection funding. There is more need for conversations around what "conferring" with local governments means and the definition of "multiple benefits." A key issue that should be discussed is payment in lieu of taxes, which affects citizens and county budgets.

CON: There is already a lot of acquisition money available. There are concerns that the bill does not include a reference to property rights, and that the inclusion of forest land projects in the farmland category will hurt agriculture.

OTHER: Moving forward, resolving the payment in lieu of taxes issue will be key to counties to accept land acquisitions. The proposal focus on state land development and maintenance to state lands can be better neighbors. The bill also provides a match waiver to support communities in need and addresses public access. This will take time to implement, and the current bill sets up a staggered implementation.

**Persons Testifying on Original Bill:** PRO: Senator Honeyford, Prime Sponsor; Doug Levy, Washington Recreation and Park Association; Joe Kane, Nisqually Land Trust; Andrea McNamara Doyle, Ex Dir., WA Wildlife & Recreation Coalition (WWRC); Teresa Loo, WWRC Board Member, Port Blakely Tree Farms; Wayne Marion, WWRC Board Member, Rocky Mountain Elk Foundation; Laura Berg, Wa State Assoc of Counties; Cynthia Wilkerson, Washington Department of Fish and Wildlife.

CON: Cindy Alia, citizens alliance for property rights; Randy Good, Skagit Cattlemen's Association and Friends of Skagit County.

OTHER: Kaleen Cottingham, Recreation and Conservation Office; Jim Waldo, Contractor for RCO.

**Persons Signed In To Testify But Not Testifying on Original Bill:** No one.

**House Amendment(s):**

- Modifies the criteria the RCFB must consider when determining acquisition priorities for critical habitat and natural area proposals within the HCA by: directing that the RCFB evaluate whether, and the extent to which, a conservation easement can meet project purposes; specifying examples of the sources of input the RCFB can use to determine community support; and further specifying the elements of the required ongoing stewardship plan.
- Provides a timeline for implementation as follows: allocation shifts among the different WWRP accounts apply to prioritized project lists submitted by November 1, 2016; eligibility changes in the HCA and ORA for nonprofit nature conservancies, and eligibility changes in the FFA are effective for projects submitted in 2016; directs the RCFB to submit a list of prioritized forest land projects under the FFA by November 1, 2017; and makes all other changes applicable to later grant cycles.
- Retains the RPA in statute.
- Makes technical changes.