

Chapter 332-60 WAC

NATURAL AREAS—NATURAL AREA PRESERVES

WAC

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WAC 332-60-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 79.70.030 and 79.70.090.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-010, filed 12/7/83.]

WAC 332-60-020 Purpose. The purpose of this chapter is to establish rules for implementing a statewide system of registration of natural areas and creation of natural area preserves.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-020, filed 12/7/83.]

WAC 332-60-030 Invalidation of part of chapter not to affect remainder. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-030, filed 12/7/83.]

WAC 332-60-040 Cooperation with government agencies or private entities. The department may cooperate or contract with any federal, state or local government agency, private organization, or individual, in carrying out the purpose of this chapter.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-040, filed 12/7/83.]

WAC 332-60-050 Definitions. (1) "Department" means the department of natural resources.

(2) "Council" means the natural heritage advisory council as established in RCW 79.70.070.

(12/7/83)

(3) "Plan" means the state of Washington natural heritage plan as established under RCW 79.70.030.

(4) "Natural heritage resource" means the plant community types, aquatic types, unique geologic types, and special plant and animal species and their critical habitat as defined in the plan.

(5) "Natural area" means a unit of land or water or both which contains a natural heritage resource, and which has been registered by the landowner and may be considered for dedication or commitment as a natural area preserve.

(6) "Natural area preserve" means a natural area which has been:

(a) Dedicated under the provisions of RCW 79.70.090; or

(b) Formally committed to protection by a cooperative agreement between a government landholder and the department.

(7) "Registration" means a voluntary commitment by the landowner for protection of a specific natural heritage resource located on the landowner's land. No real property interest is transferred. Registration is memorialized by a certificate of registration issued by the department.

(8) "Dedication" means the formal recognition and protection of a natural area for natural heritage conservation purposes accomplished by the voluntary transfer by a landowner to the department of an interest in real property less than fee simple.

(9) "Register" means the Washington Register of Natural Area Preserves which lists the sites which have been formally registered, dedicated or formally protected by cooperative agreement, for natural area purposes.

(10) "Instrument of dedication" means a written document intended to convey an interest in real property, pursuant to chapter 64.04 RCW.

(11) "Landowner" means any individual, partnership, private, public, nonprofit, or municipal corporation, city, county, state agency, agency of the United States or any other governmental agency or entity, which exercises control over a natural heritage resource whether such control is based on legal or equitable title, or which manages or holds in trust land in Washington state.

(12) "Government landholder" means any city, municipal corporation, county, state agency, agency of the United States, or any other government agency which manages, owns, holds in trust or otherwise has jurisdiction over land in Washington state.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-050, filed 12/7/83.]

NATURAL AREAS—REGISTRATION

WAC 332-60-060 Site criteria for registration. The criteria for identification for registration are set forth in the plan.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-060, filed 12/7/83.]

WAC 332-60-070 Procedures for registration of natural areas. (1) After a site has been identified, the department or its designee shall notify the landowner, in writing, of the site's natural heritage resource and the site's eligibility for the register.

(2) The department or its designee must obtain from the landowner written permission to proceed with the site evaluation process.

(3) Once permission is granted by the landowner to proceed with the site evaluation process, the department nominates the site to the council.

(4) The council shall review each site nomination and approve or reject registration of the site.

(5) The department shall notify the landowner of the council's determination and, for an approved site, offer the landowner the opportunity to voluntarily place the site on the register.

(6) If the landowner agrees to register the site, the department shall place the site on the register and provide the landowner with a certificate of registration.

(7) The department may offer voluntary management guidelines and may enter into a management agreement with the landowner of a registered natural area.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-070, filed 12/7/83.]

WAC 332-60-080 Removal of a natural area from the register. (1) The department shall remove natural areas from the register at any time:

(i) Upon written request by the landowner to the department; or

(ii) If the council determines that the site is no longer managed for the natural heritage resources present, or the site no longer meets the original criteria for selection.

(2) Landowners are to be notified in writing of removal of a natural area from the register.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-080, filed 12/7/83.]

NATURAL AREA PRESERVE—DEDICATION

WAC 332-60-090 Natural area preserve by instrument of dedication. Upon such terms as the department and landowner agree, a registered natural area may be dedicated as a natural area preserve through the execution of an instrument of dedication in a form approved by the council.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-090, filed 12/7/83.]

WAC 332-60-100 Instrument of dedication—Form. The instrument of dedication shall be in accordance with the requirements of RCW 64.04.130. The instrument of dedica-

tion shall be substantially in the form required by law for the conveyance of any land or other real property.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-100, filed 12/7/83.]

WAC 332-60-110 Instrument of dedication—Interest conveyed. The instrument of dedication shall transfer a real property interest for the purpose of providing protection to a natural heritage resource. Interests which may be transferred include, but are not limited to: Water, timber, grazing, development rights, rights to hunt, fish, drain or fill, access easements, or rights of way.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-110, filed 12/7/83.]

WAC 332-60-120 Effective date of dedication. Dedication shall be effective upon the recording of the instrument of dedication in the real property records of the county or counties in which the natural area is located.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-120, filed 12/7/83.]

WAC 332-60-130 Termination of dedication. A dedication shall not be terminable except as provided by the instrument of dedication.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-130, filed 12/7/83.]

NATURAL AREA PRESERVE—COOPERATIVE AGREEMENT

WAC 332-60-140 Natural area preserve by cooperative agreement. A government landholder of a registered natural area may commit the area as a natural area preserve by executing with the department a cooperative agreement in a form approved by the council and upon such terms as the department and government landholder agree.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-140, filed 12/7/83.]

WAC 332-60-150 Cooperative agreement. The cooperative agreement must include a description of the legal or administrative commitment by the government landholder to manage the land for the protection of a natural heritage resource.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-150, filed 12/7/83.]

WAC 332-60-160 Termination of natural area preserve by cooperative agreement. The site may be removed from a natural area preserve status as provided by the cooperative agreement.

[Statutory Authority: RCW 79.70.030 and 79.70.090. 83-24-067 (Order 407), § 332-60-160, filed 12/7/83.]