

**WAC 222-23-025 Priorities for conveyances and funding—Use of lands conveyed.** (1) **Priorities for conveyances and funding.** The department shall rate, rank, and fund eligible CMZ applications separately from eligible critical habitat applications based on conservation benefits and landowner management options. See board manual section 18 for the rating, ranking and funding details for qualifying lands. The department will consult with representatives of affected Indian tribes, department of fish and wildlife, and department of ecology as necessary for technical expertise.

(2) **Use and management of lands and easement interests acquired under rivers and habitat open space program.** Subject to the exceptions set forth in this subsection (or as otherwise provided in the easement documents), the lands subject to the conservation easements under this chapter shall be managed by the department only in a manner necessary for ecological protection, and fisheries and wildlife enhancement. The easements under the program shall not create a right of public access to or across adjoining or other lands owned by the landowner granting an easement.

(3) **Transfer of easement interest or management responsibility.** After acquisition of an easement interest in qualifying lands, the department may transfer its interest in such lands by a recorded instrument to another state agency, a local governmental entity within which the lands lie, or a private nonprofit nature conservancy corporation (as defined in RCW 64.04.130). Alternatively, the department may contract with one or more of the foregoing entities to exercise the department's management authority over the qualifying lands. Any such contract will include provisions fully advising the contracting party of the rights of the landowner under this chapter and the conveyance instrument. The department shall notify the landowner of any transfer of its interest in the qualifying lands or any transfer of management responsibilities over those lands, provided that failure to so notify the landowner shall not affect the validity of the transfer.

[Statutory Authority: RCW 76.09.040. WSR 11-12-009, § 222-23-025, filed 5/20/11, effective 6/20/11; WSR 05-12-119, § 222-23-025, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). WSR 01-12-042, § 222-23-025, filed 5/30/01, effective 7/1/01.]