

1 1204-S.E AAS 4/9/91

2 **ESHB 1204** - S COMM AMD

3 By Committee on Environment & Natural Resources

4 ADOPTED 4/9/91 - Voice Vote

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

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

9 The legislature finds that: (1) (~~That~~) There is an increasing  
10 and continuing need by the people of Washington for certain areas of  
11 the state to be conserved, in rural as well as urban settings, for the  
12 benefit of present and future generations; (2) (~~that~~) such areas are  
13 worthy of conservation for their outstanding scenic and ecological  
14 values and provide opportunities for (~~dispersed~~) low impact public  
15 (~~recreation~~) use; (3) (~~that~~) in certain cases acquisition of  
16 property or rights in property is necessary to protect these areas for  
17 public purposes; and (4) (~~that~~) there is a need for (~~an~~) a state  
18 agency to act in an effective and timely manner to acquire interests in  
19 such areas and to develop appropriate management strategies for  
20 conservation purposes."

21 "Sec. 2. RCW 79.71.020 and 1987 c 472 s 2 are each amended to read  
22 as follows:

23 Lands possessing the following characteristics are considered by  
24 the legislature to be worthy of consideration for conservation  
25 purposes:

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

4 (2) (~~(Prime natural features of the Washington landscape or~~  
5 ~~portions thereof, inland or coastal wetlands, significant littoral,~~  
6 ~~estuarine, or aquatic sites, or important geological features)~~) An area  
7 of land or water, or land and water, that has flora, fauna, geological,  
8 archaeological, scenic, or similar features of critical importance to  
9 the people of Washington and that has retained to some degree or has  
10 reestablished its natural character;

11 (3) Examples of native ecological communities; and

12 (4) Environmentally significant sites threatened with conversion to  
13 incompatible or ecologically irreversible uses."

14 "Sec. 3. RCW 79.71.030 and 1987 c 472 s 3 are each amended to read  
15 as follows:

16 As used in this chapter:

17 "Commissioner" means the commissioner of public lands.

18 "Department" means the department of natural resources.

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

27 "Low-impact public use" includes public recreation uses and  
28 improvements that do not adversely affect the resource values, are  
29 appropriate to the maintenance of the site in a relatively unmodified

1 natural setting, and do not detract from long-term ecological  
2 processes.

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

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

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

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

16 The department is authorized to transfer fee simple interest or  
17 less than fee interests in trust land, as defined by Article XVI of the  
18 Washington Constitution, for the creation of natural resources  
19 conservation (~~(management)~~) areas, (~~(providing there is)~~) provided the  
20 owner of the trust land receives full fair market value compensation  
21 for all rights transferred. The proceeds from such transfers shall be  
22 used for the exclusive purpose of acquiring real property to replace  
23 those interests utilized for the conservation area in order to meet the  
24 department's fiduciary obligations and to maintain the productive land  
25 base of the various trusts."

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

1       The department shall hold a public hearing in the county where the  
2 majority of the land in the proposed natural resources conservation  
3 area is located prior to establishing the boundary. An area proposed  
4 for designation must contain resources consistent with (~~the purposes~~  
5 ~~of this chapter~~) characteristics identified in RCW 79.71.020."

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

8       The department shall develop a management plan for each designated  
9 area. The plan shall identify the significant resources to be  
10 conserved consistent with the purposes of this chapter and identify the  
11 areas with potential for (~~primitive recreation~~) low-impact public and  
12 environmental educational uses. The plan shall specify what types of  
13 management activities (~~will be~~) and public uses that are permitted,  
14 consistent with the conservation purposes of this chapter. The  
15 department shall make such plans available for review and comment by  
16 the public and other state, tribal, and local agencies, prior to final  
17 approval by the commissioner."

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

20       The department is authorized to administer natural (~~resource[s]~~)  
21 resources conservation areas and may enter into management agreements  
22 for these areas with (~~other~~) federal agencies, state agencies, local  
23 governments, and private nonprofit conservancy corporations, as defined  
24 in RCW 64.04.130, when such agreements are consistent with the purposes  
25 of acquisition as defined in the adopted (~~site~~) management plan. All  
26 management activities within a Washington natural resources  
27 conservation area will conform with the plan. Any moneys derived from  
28 the management of these areas in conformance with the adopted plan

1 shall be deposited in the natural resources conservation areas  
2 stewardship account ((established in RCW 79.71.090))."

3 "Sec. 8. RCW 79.71.090 and 1987 c 472 s 9 are each amended to read  
4 as follows:

5 There is hereby created the natural resources conservation areas  
6 stewardship account in the state treasury to ensure proper and  
7 continuing management of land acquired or designated pursuant to this  
8 chapter. Funds for the stewardship account shall be derived from  
9 appropriations of state general funds, federal funds, grants,  
10 donations, gifts, bond issue receipts, securities, interest, and other  
11 monetary instruments of value. Income derived from the management of  
12 natural resources conservation areas and all earnings from investments  
13 of balances in the account shall also be deposited in this stewardship  
14 account. The state treasurer may not deduct a fee for managing the  
15 funds in the stewardship account.

16 Appropriations from this account to the department shall be  
17 expended for no other purpose than to manage the areas approved by the  
18 legislature in fulfilling the purposes of this chapter, property  
19 acquired as natural area preserves under chapter 79.70 RCW, and  
20 property transferred under the authority and appropriation provided by  
21 the legislature to be managed under chapters 79.70 and 79.71 RCW or  
22 acquired under chapter 43.98A RCW."

23 "Sec. 9. RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203 are each  
24 amended to read as follows:

25 Except as otherwise provided by RCW 43.250.030, 67.40.025,  
26 79.71.090, and 82.14.050, twenty percent of all income received from  
27 such investments shall be deposited in the state general fund."

