

HOUSE BILL 1204

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Riley, Beck, Fraser, Wynne, Winsley and Jacobsen.

Read first time January 23, 1991. Referred to Committee on Natural Resources & Parks.

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, 79.71.090, and 43.84.090; creating a new section; and
4 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, interest, and other
22 monetary instruments of value. Income derived from the management of
23 natural resources conservation areas and all earnings from investments
24 of balances in the account shall also be deposited in this stewardship
25 account. The state treasurer may not deduct a fee for managing the
26 funds in the stewardship account.

27 Appropriations from this account to the department shall be
28 expended for no other purpose than to manage the areas approved by the
29 legislature in fulfilling the purposes of this chapter, property

1 acquired as natural area preserves under chapter 79.70 RCW, and
2 property transferred under the authority and appropriation provided by
3 the legislature to be managed under chapters 79.70 and 79.71 RCW or
4 acquired under chapter 43.98A RCW.

5 **Sec. 9.** RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203 are each
6 amended to read as follows:

7 Except as otherwise provided by RCW 43.250.030, 67.40.025,
8 79.71.090, and 82.14.050, twenty percent of all income received from
9 such investments shall be deposited in the state general fund.

10 NEW SECTION. **Sec. 10.** The balance in the conservation area
11 account is transferred to the natural resources conservation areas
12 stewardship account under RCW 79.71.090.

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14 each repealed.