

SHB 2650 - H AMD
By Representative

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Washington has a rich variety of birds,
4 wildlife and fish that its citizens and visitors enjoy. With over
5 three hundred sixty-five bird species, Washington can use this
6 natural asset to attract nature tourists and sportsmen from all
7 over the country and the world. According to a United States fish
8 and wildlife service report, thirty-six percent of Washington's
9 residents currently participate in bird watching, and the watchable
10 wildlife industry brings nearly one billion dollars per year into
11 the state's economy. The economic benefits delivered to rural
12 economies in Washington by those choosing to recreate by hunting
13 waterfowl or upland game birds is equally as impressive.

14 The legislature has long recognized the important role of
15 waterfowl and upland game bird hunting and other sporting pursuits
16 in both the state's economy and the quality of life for Washington
17 residents. Additionally, the 2003 legislature recognized the
18 economic value of promoting watchable wildlife and nature tourism
19 when it required the departments of fish and wildlife and
20 community, trade, and economic development to host a watchable
21 wildlife and nature tourism conference and write a statewide
22 strategic plan. The 2002 legislature recognized the value of
23 identifying and conserving our state's biodiversity for future
24 generations when it created the biodiversity task force and
25 required a plan be developed to recommend ways to conserve
26 biodiversity. Furthermore, over the past fifteen years, the
27 legislature has recognized the important contributions volunteers
28 and nonprofit organizations have made in restoring and monitoring
29 salmon and wildlife habitat. Therefore, it is the goal of the
30 legislature to promote: Partnerships with volunteers; rural

1 economic development; nature tourism; and conservation of
2 biodiversity by encouraging partnerships between state government
3 agencies, volunteers, and nonprofit organizations to designate and
4 conserve natural assets that attract nature tourists and bird
5 watchers to Washington's rural areas.

6 To accomplish this goal, the legislature recognizes the
7 scientific work by volunteer organizations to use internationally
8 recognized scientific criteria and protocols to identify, conserve,
9 and monitor areas of the state that are important for migrating and
10 resident birds. Scientists, ornithologists, and qualified
11 volunteers have identified important bird areas. Wildlife
12 conservation organizations and their volunteers are working to
13 develop mutually agreed-upon bird conservation plans and monitoring
14 plans in cooperation with public land managers and private
15 landowners. Volunteers and scientists in more than one hundred
16 countries around the world have already completed identification of
17 fourteen thousand two hundred sixty sites that qualify as important
18 bird areas.

19 Qualified volunteers and scientists have already successfully
20 used the international criteria to identify fifty-three sites
21 important for birds in Washington. Following the final round of
22 site selection, volunteer organizations plan to work with
23 landowners, businesses, and local and state governments to develop
24 plans to maintain or enhance sites that will then become
25 destinations for nature tourists to promote rural economic
26 development. Therefore, it is the intent of the legislature to
27 have Washington participate in the recognition portion of the
28 important bird area program by directing the natural heritage
29 program at the department of natural resources to officially
30 recognize important bird areas.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.70
32 RCW to read as follows:

33 (1) The program may use information collected by a qualifying
34 nonprofit organization to recognize important bird areas. The
35 program should, to the greatest extent possible, coordinate with
36 and use internationally agreed-upon, scientific criteria and
37 protocols developed by a qualifying nonprofit organization to
38 officially recognize these sites throughout Washington. Prior to

1 using information collected by a qualifying nonprofit organization,
2 the program must verify that the information was collected by
3 individuals trained in scientific data collection, wildlife
4 biology, or ornithology.

5 (2) When the program recognizes an important bird area, that
6 information will be included in the program's data bank. An
7 important bird area shall not be designated as a natural area or a
8 natural area preserve unless that area satisfies the substantive
9 and procedural requirements for becoming a natural area or natural
10 area preserve under this chapter.

11 (3) The qualifying nonprofit organization that collected the
12 information used to recognize important bird areas should be
13 available to work with interested landowners, businesses, and state
14 and local governments to identify ways to maintain or enhance the
15 important bird areas.

16 (4) The recognition of private property as an important bird
17 area under this chapter, or the inclusion of private property in
18 the program's data bank, does not confer nor imply any rights of
19 access or trespass onto the important bird area without full
20 knowledge and consent of the owner pursuant to any state statutory
21 and common laws dealing with trespass and access to private
22 property.

23 (5) Recognition of an important bird area does not require nor
24 preclude critical area designation under chapter 36.70A RCW.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 79.70
26 RCW to read as follows:

27 Prior to recognizing an important bird area under this chapter,
28 the department must:

29 (1) Publish notice of the proposed important bird area in the
30 Washington state register;

31 (2) Publish notice of the proposed important bird area in a
32 newspaper of general circulation in the county where the proposed
33 important bird area is located; and

34 (3) Conduct at least one public hearing in the county where the
35 proposed important bird area is located.

36 **Sec. 4.** RCW 79.70.020 and 2003 c 334 s 548 are each amended to
37 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Department" means the department of natural resources.

4 (2) "Natural areas" and "natural area preserves" include such
5 public or private areas of land or water which have retained their
6 natural character, although not necessarily completely natural and
7 undisturbed, or which are important in preserving rare or vanishing
8 flora, fauna, geological, natural historical or similar features of
9 scientific or educational value and which are acquired or
10 voluntarily registered or dedicated by the owner under this
11 chapter.

12 (3) "Public lands" and "state lands" have the meaning set out
13 in RCW 79.02.010.

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

16 (5) "Commissioner" means the commissioner of public lands.

17 (6) "Important bird area" means those areas jointly identified
18 by the natural heritage program and a qualifying nonprofit
19 organization using internationally recognized scientific criteria.
20 These areas have been found to be necessary to conserve populations
21 of wild waterfowl, upland game birds, songbirds and other birds
22 native to and migrating through Washington, and contain the
23 habitats that birds are dependent upon for breeding, migration,
24 shelter, and sustenance.

25 (7) "Instrument of dedication" means any written document
26 intended to convey an interest in real property pursuant to chapter
27 64.04 RCW.

28 ~~((+7))~~ (8) "Natural heritage resources" means the plant
29 community types, aquatic types, unique geologic types, and special
30 plant and animal species and their critical habitat as defined in
31 the natural heritage plan established under RCW 79.70.030.

32 ~~((+8))~~ (9) "Plan" means the natural heritage plan as
33 established under RCW 79.70.030.

34 ~~((+9))~~ (10) "Program" means the natural heritage program as
35 established under RCW 79.70.030.

36 ~~((+10))~~ (11) "Qualifying nonprofit organization" means a
37 national nonprofit organization, or a branch of a national
38 nonprofit organization, that conserves and restores natural
39 ecosystems, focusing on birds, other wildlife, and their habitat.

1 (12) "Register" means the Washington register of natural area
2 preserves as established under RCW 79.70.030."

EFFECT: Specifies that an important bird area designation does not affect the critical area designation process under the Growth Management Act, specifies the type of birds important bird areas must be necessary to conserve, adds language to the intent section that recognizes the important role of bird hunting in the state's economy, clarifies that important bird areas may only be included in the natural area program if the important bird area satisfies all other requirements for natural areas, requires the Department of Natural Resources to verify that any information used in the designation of important bird areas was collected by qualified individuals, establishes notice and hearing requirements prior to the recognition of an important bird area, and clarifies that when a parcel of privately-owned land is designated as an important bird area, the designation does not create an exception to the state's trespass and property access laws.