
SECOND SUBSTITUTE SENATE BILL 6082

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Doumit and Rasmussen)

READ FIRST TIME 02/10/04.

1 AN ACT Relating to expanding the criteria for habitat conservation
2 programs; amending RCW 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060,
3 and 79A.15.070; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 79A.15.030 and 2000 c 11 s 66 are each amended to read
6 as follows:

7 (1) Moneys appropriated for this chapter shall be divided equally
8 between the habitat conservation and outdoor recreation accounts and
9 shall be used exclusively for the purposes specified in this chapter.

10 (2) Except as otherwise provided in this act, moneys deposited in
11 these accounts shall be invested as authorized for other state funds,
12 and any earnings on them shall be credited to the respective account.

13 (3) All moneys deposited in the habitat conservation and outdoor
14 recreation accounts shall be allocated as provided under RCW 79A.15.040
15 and 79A.15.050 as grants to state or local agencies for acquisition,
16 development, and renovation within the jurisdiction of those agencies,
17 subject to legislative appropriation. The committee may use or permit
18 the use of any funds appropriated for this chapter as matching funds

1 where federal, local, or other funds are made available for projects
2 within the purposes of this chapter.

3 (4) Projects receiving grants under this chapter that are developed
4 or otherwise accessible for public recreational uses shall be available
5 to the public (~~((on a nondiscriminatory basis))~~).

6 (5) The committee may make grants to an eligible project from both
7 the habitat conservation and outdoor recreation accounts and any one or
8 more of the applicable categories under such accounts described in RCW
9 79A.15.040 and 79A.15.050.

10 (6) The committee may accept private donations to the habitat
11 conservation account and the outdoor recreation account for the
12 purposes specified in this chapter.

13 (7) The committee may apply up to three percent of the funds
14 appropriated for this chapter for the administration of the programs
15 and purposes specified in this chapter.

16 **Sec. 2.** RCW 79A.15.040 and 1999 c 379 s 917 are each amended to
17 read as follows:

18 (1) Moneys appropriated for this chapter to the habitat
19 conservation account shall be distributed in the following way:

20 (a) Not less than thirty-five percent for the acquisition and
21 development of critical habitat;

22 (b) Not less than twenty percent for the acquisition and
23 development of natural areas;

24 (c) Not less than fifteen percent for the acquisition and
25 development of urban wildlife habitat; and

26 (d) The remaining amount shall be considered unallocated and shall
27 be used by the committee to fund high priority (~~((acquisition and~~
28 ~~development needs for critical habitat, natural areas, and urban~~
29 ~~wildlife habitat)) recreation and stewardship projects by state~~
30 agencies. (~~((During the fiscal biennium ending June 30, 2001, the~~
31 ~~remaining amount reappropriated from the fiscal biennium ending June~~
32 ~~30, 1999, may be allocated for matching grants for riparian zone~~
33 ~~habitat protection projects that implement watershed plans under the~~
34 ~~program established in section 329(6), chapter 235, Laws of 1997.))~~)

35 (2) In distributing these funds, the committee retains discretion
36 to meet the most pressing needs for critical habitat, natural areas,

1 and urban wildlife habitat, and is not required to meet the percentages
2 described in subsection (1) of this section in any one biennium.

3 (3) Only state agencies may apply for acquisition and development
4 funds for (~~critical habitat and~~) natural areas projects under
5 subsection (1)(~~(a)~~) (b)(~~(7)~~) and (d) of this section.

6 (4) State and local agencies may apply for acquisition and
7 development funds for critical habitat and urban wildlife habitat
8 projects under subsection (1)(a), (c), and (d) of this section.

9 **Sec. 3.** RCW 79A.15.050 and 2003 c 184 s 1 are each amended to read
10 as follows:

11 (1) Moneys appropriated for this chapter to the outdoor recreation
12 account shall be distributed in the following way:

13 (a) Not less than (~~twenty-five~~) thirty percent to the state parks
14 and recreation commission for the acquisition, renovation, and
15 development of state parks, with at least (~~seventy-five~~) fifty
16 percent of (~~this~~) the money for acquisition costs(~~(.——However,~~
17 ~~between July 27, 2003, and June 30, 2009, at least fifty percent of~~
18 ~~this money for the acquisition and development of state parks must be~~
19 ~~used for acquisition costs))~~);

20 (b) Not less than (~~twenty-five~~) thirty percent for the
21 acquisition, development, and renovation of local parks, with at least
22 fifty percent of this money for acquisition costs;

23 (c) Not less than (~~fifteen~~) twenty percent for the acquisition
24 and development of trails;

25 (d) Not less than (~~ten~~) fifteen percent for the acquisition and
26 development of water access sites, with at least seventy-five percent
27 of this money for acquisition costs; and

28 (e) The remaining amount shall be considered unallocated and shall
29 be distributed by the committee to state and local agencies to fund
30 high priority acquisition and development needs for parks, trails, and
31 water access sites.

32 (2) In distributing these funds, the committee retains discretion
33 to meet the most pressing needs for state and local parks, trails, and
34 water access sites, and is not required to meet the percentages
35 described in subsection (1) of this section in any one biennium.

36 (3) Only local agencies may apply for acquisition, development, or

1 renovation funds for local parks under subsection (1)(b) of this
2 section.

3 (4) Only state and local agencies may apply for funds for trails
4 under subsection (1)(c) of this section.

5 (5) Only state and local agencies may apply for funds for water
6 access sites under subsection (1)(d) of this section.

7 **Sec. 4.** RCW 79A.15.060 and 2000 c 11 s 67 are each amended to read
8 as follows:

9 (1) The committee may adopt rules establishing acquisition policies
10 and priorities for distributions from the habitat conservation account.

11 (2) Except as provided in RCW 79A.15.030(7), moneys appropriated
12 for this chapter may not be used by the committee to fund
13 ((additional)) staff positions or other overhead expenses, or by a
14 state, regional, or local agency to fund operation ((and)) or
15 maintenance of areas acquired under this chapter((, except that the
16 committee may use moneys appropriated for this chapter for the fiscal
17 biennium ending June 30, 2001, for the administrative costs of
18 implementing the pilot watershed plan implementation program
19 established in section 329(6), chapter 235, Laws of 1997, and
20 developing an inventory of publicly owned lands established in section
21 329(7), chapter 235, Laws of 1997)).

22 (3) Moneys appropriated for this chapter may be used by grant
23 recipients for costs incidental to acquisition, including, but not
24 limited to, surveying expenses, fencing, and signing.

25 (4) ~~((Except as provided in subsection (5) of this section,))~~ The
26 committee may not approve a local project where the local agency share
27 is less than the amount to be awarded from the habitat conservation
28 account.

29 (5) ~~((During the fiscal biennium ending June 30, 2001, the~~
30 ~~committee may approve a riparian zone habitat protection project~~
31 ~~established in section 329(6), chapter 235, Laws of 1997, where the~~
32 ~~local agency share is less than the amount to be awarded from the~~
33 ~~habitat conservation account.~~

34 ~~(6))~~ In determining acquisition priorities with respect to the
35 habitat conservation account, the committee shall consider, at a
36 minimum, the following criteria:

37 (a) For critical habitat and natural areas proposals:

1 (i) Community support for the project;

2 (ii) Recommendations as part of a limiting factors or critical

3 pathways analysis, a watershed plan or habitat conservation plan, or a

4 coordinated regionwide prioritization effort;

5 (iii) Immediacy of threat to the site;

6 ~~((+iii))~~ (iv) Uniqueness of the site;

7 ~~((+iv))~~ (v) Diversity of species using the site;

8 ~~((+v))~~ (vi) Quality of the habitat;

9 ~~((+vi))~~ (vii) Long-term viability of the site;

10 ~~((+vii))~~ (viii) Presence of endangered, threatened, or sensitive

11 species;

12 ~~((+viii))~~ (ix) Enhancement of existing public property;

13 ~~((+ix))~~ (x) Consistency with a local land use plan, or a regional

14 or statewide recreational or resource plan, including projects that

15 assist in the implementation of local shoreline master plans updated

16 according to RCW 90.58.080 or local comprehensive plans updated

17 according to RCW 36.70A.130; ~~((and~~

18 ~~+x))~~ (xi) Educational and scientific value of the site;

19 (xii) Integration with recovery efforts for endangered, threatened,

20 or sensitive species;

21 (xiii) For critical habitat proposals by local agencies, the

22 statewide significance of the site.

23 (b) For urban wildlife habitat proposals, in addition to the

24 criteria of (a) of this subsection:

25 (i) Population of, and distance from, the nearest urban area;

26 (ii) Proximity to other wildlife habitat;

27 (iii) Potential for public use; and

28 (iv) Potential for use by special needs populations.

29 ~~((+7))~~ (6) Before ~~((October))~~ November 1st of each even-numbered

30 year, the committee shall recommend to the governor a prioritized list

31 of state agency projects to be funded under RCW 79A.15.040(1) (a), (b),

32 and (c). The governor may remove projects from the list recommended by

33 the committee and shall submit this amended list in the capital budget

34 request to the legislature. The list shall include, but not be limited

35 to, a description of each project; and shall describe for each project

36 any anticipated restrictions upon recreational activities allowed prior

37 to the project.

1 ~~((8))~~ (7) Before ~~((October))~~ November 1st of each even-numbered
2 year, the committee shall recommend to the governor a prioritized list
3 of all local projects to be funded under RCW 79A.15.040(1) (a) and (c).
4 The governor may remove projects from the list recommended by the
5 committee and shall submit this amended list in the capital budget
6 request to the legislature. The list shall include, but not be limited
7 to, a description of each project and any particular match requirement,
8 and describe for each project any anticipated restrictions upon
9 recreational activities allowed prior to the project.

10 **Sec. 5.** RCW 79A.15.070 and 2000 c 11 s 68 are each amended to read
11 as follows:

12 (1) In determining which state parks proposals and local parks
13 proposals to fund, the committee shall use existing policies and
14 priorities.

15 (2) Except as provided in RCW 79A.15.030(7), moneys appropriated
16 for this chapter may not be used by the committee to fund
17 ~~((additional))~~ staff or other overhead expenses, or by a state,
18 regional, or local agency to fund operation ~~((and))~~ or maintenance of
19 areas acquired under this chapter ~~((, except that the committee may use~~
20 ~~moneys appropriated for this chapter for the fiscal biennium ending~~
21 ~~June 30, 2001, for the administrative costs of implementing the pilot~~
22 ~~watershed plan implementation program established in section 329(6),~~
23 ~~chapter 235, Laws of 1997, and developing an inventory of publicly~~
24 ~~owned lands established in section 329(7), chapter 235, Laws of 1997)).~~

25 (3) Moneys appropriated for this chapter may be used by grant
26 recipients for costs incidental to acquisition and development,
27 including, but not limited to, surveying expenses, fencing, and
28 signing.

29 (4) The committee may not approve a project of a local agency where
30 the share contributed by the local agency is less than the amount to be
31 awarded from the outdoor recreation account.

32 (5) The committee may adopt rules establishing acquisition policies
33 and priorities for the acquisition and development of trails and water
34 access sites to be financed from moneys in the outdoor recreation
35 account.

36 (6) In determining the acquisition and development priorities, the
37 committee shall consider, at a minimum, the following criteria:

1 (a) For trails proposals:
2 (i) Community support for the project;
3 (ii) Immediacy of threat to the site;
4 (iii) Linkage between communities;
5 (iv) Linkage between trails;
6 (v) Existing or potential usage;
7 (vi) Consistency with ~~((an-existing))~~ a local land use plan, or a
8 regional or statewide recreational or resource plan, including projects
9 that assist in the implementation of local shoreline master plans
10 updated according to RCW 90.58.080 or local comprehensive plans updated
11 according to RCW 36.70A.130;

12 (vii) Availability of water access or views;
13 (viii) Enhancement of wildlife habitat; and
14 (ix) Scenic values of the site.

15 (b) For water access proposals:

16 (i) Community support for the project;
17 (ii) Distance from similar water access opportunities;
18 (iii) Immediacy of threat to the site;
19 (iv) Diversity of possible recreational uses; ~~((and))~~
20 (v) Public demand in the area; and
21 (vi) Consistency with a local land use plan, or a regional or
22 statewide recreational or resource plan, including projects that assist
23 in the implementation of local shoreline master plans updated according
24 to RCW 90.58.080 or local comprehensive plans updated according to RCW
25 36.70A.130.

26 (7) Before ~~((October))~~ November 1st of each even-numbered year, the
27 committee shall recommend to the governor a prioritized list of state
28 agency projects to be funded under RCW 79A.15.050(1) (a), (c), and (d).
29 The governor may remove projects from the list recommended by the
30 committee and shall submit this amended list in the capital budget
31 request to the legislature. The list shall include, but not be limited
32 to, a description of each project; and shall describe for each project
33 any anticipated restrictions upon recreational activities allowed prior
34 to the project.

35 (8) Before ~~((October))~~ November 1st of each even-numbered year, the
36 committee shall recommend to the governor a prioritized list of all
37 local projects to be funded under RCW 79A.15.050(1) (b), (c), and (d).
38 The governor may remove projects from the list recommended by the

1 committee and shall submit this amended list in the capital budget
2 request to the legislature. The list shall include, but not be limited
3 to, a description of each project and any particular match requirement,
4 and describe for each project any anticipated restrictions upon
5 recreational activities allowed prior to the project.

6 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2005.

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