

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2650

Chapter 180, Laws of 2004

58th Legislature
2004 Regular Session

IMPORTANT BIRD AREAS

EFFECTIVE DATE: 6/10/04

Passed by the House March 9, 2004
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2004
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 26, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2650** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 26, 2004 - 4:39 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2650

AS AMENDED BY THE SENATE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Flannigan, Cooper, Priest, Quall, Jarrett, Kessler, Tom, Rockefeller, Dunshee, Grant, Romero, Moeller, McDermott, O'Brien, Chase, Upthegrove, Hunt, G. Simpson, Kenney, Wallace, Wood and Kagi)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to important bird areas; amending RCW 79.70.020;
2 adding new sections to chapter 79.70 RCW; and creating a new section.

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

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

15 The legislature has long recognized the important role of waterfowl
16 and upland game bird hunting and other sporting pursuits in both the
17 state's economy and the quality of life for Washington residents.
18 Additionally, the 2003 legislature recognized the economic value of
19 promoting watchable wildlife and nature tourism when it required the

1 departments of fish and wildlife and community, trade, and economic
2 development to host a watchable wildlife and nature tourism conference
3 and write a statewide strategic plan. The 2002 legislature recognized
4 the value of identifying and conserving our state's biodiversity for
5 future generations when it created the biodiversity task force and
6 required a plan be developed to recommend ways to conserve
7 biodiversity. Furthermore, over the past fifteen years, the
8 legislature has recognized the important contributions volunteers and
9 nonprofit organizations have made in restoring and monitoring salmon
10 and wildlife habitat. Therefore, it is the goal of the legislature to
11 promote: Partnerships with volunteers; rural economic development;
12 nature tourism; and conservation of biodiversity by encouraging
13 partnerships between state government agencies, volunteers, and
14 nonprofit organizations to designate and conserve natural assets that
15 attract nature tourists and bird watchers to Washington's rural areas.

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

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

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

3 (1) The program may use information collected by a qualifying
4 nonprofit organization to recognize important bird areas. The program
5 should, to the greatest extent possible, coordinate with and use
6 internationally agreed-upon, scientific criteria and protocols
7 developed by a qualifying nonprofit organization to officially
8 recognize these sites throughout Washington. Prior to using
9 information collected by a qualifying nonprofit organization, the
10 program must verify that the information was collected by individuals
11 trained in scientific data collection, wildlife biology, or
12 ornithology.

13 (2) When the program recognizes an important bird area, that
14 information will be included in the program's data bank. An important
15 bird area shall not be designated as a natural area or a natural area
16 preserve unless that area satisfies the substantive and procedural
17 requirements for becoming a natural area or natural area preserve under
18 this chapter.

19 (3) The qualifying nonprofit organization that collected the
20 information used to recognize important bird areas should be available
21 to work with interested landowners, businesses, and state and local
22 governments to identify ways to maintain or enhance the important bird
23 areas.

24 (4) The recognition of private property as an important bird area
25 under this chapter, or the inclusion of private property in the
26 program's data bank, does not confer nor imply any rights of access or
27 trespass onto the important bird area without full knowledge and
28 consent of the owner pursuant to any state statutory and common laws
29 dealing with trespass and access to private property.

30 (5) Recognition of an important bird area does not require or
31 create critical area designation under chapter 36.70A RCW.

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

34 Prior to recognizing an important bird area under this chapter, the
35 department must:

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

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

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

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

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

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

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

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

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

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

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

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

32 ((+7)) (8) "Natural heritage resources" means the plant community
33 types, aquatic types, unique geologic types, and special plant and
34 animal species and their critical habitat as defined in the natural
35 heritage plan established under RCW 79.70.030.

36 ((+8)) (9) "Plan" means the natural heritage plan as established
37 under RCW 79.70.030.

1 (~~(9)~~) (10) "Program" means the natural heritage program as
2 established under RCW 79.70.030.

3 (~~(10)~~) (11) "Qualifying nonprofit organization" means a national
4 nonprofit organization, or a branch of a national nonprofit
5 organization, that conserves and restores natural ecosystems, focusing
6 on birds, other wildlife, and their habitat.

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

Passed by the House March 9, 2004.
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