

# SENATE BILL REPORT

## SB 5396

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As Reported By Senate Committee On:  
Natural Resources, Ocean & Recreation, March 2, 2005  
Ways & Means, March 7, 2005

**Title:** An act relating to expanding the criteria for habitat conservation programs.

**Brief Description:** Expanding the criteria for habitat conservation programs.

**Sponsors:** Senators Fraser, Esser, Jacobsen, Oke, Regala, Swecker, Rockefeller, Spanel, Pridemore, Thibaudeau, Haugen and Kline.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/2/05, 3/2/05 [DPS-WM, DNP].

Ways & Means: 3/4/05, 3/7/05 [DPS(NROR), DNP, w/oRec].

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** That Substitute Senate Bill No. 5396 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Fraser, Hargrove, Morton, Spanel and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Stevens.

**Staff:** Curt Gavigan (786-7437)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5396 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Brandland, Fairley, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau.

**Minority Report:** Do not pass.

Signed by Senators Roach and Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member and Hewitt.

**Staff:** Brian Sims (786-7431)

**Background:** The Washington Wildlife and Recreation Program (WWRP) provides funds for the acquisition and development of outdoor recreation and habitat conservation areas. Counties, cities, ports, park and recreation districts, school districts, state agencies, and tribes are eligible to apply. Grant applications are evaluated annually and the Interagency Committee for Outdoor Recreation submits a list of prioritized projects to the Governor and Legislature for approval.

Half of the funds appropriated in a biennium for the WWRP are for habitat conservation, and are allocated according to a statutory formula for critical habitat, natural areas, and urban wildlife habitat. The other half of the funds are appropriated for outdoor recreation, allocated by formulas established in statute for state parks, local parks, trails, and water access sites. A portion of each account is left unallocated.

**Summary of Substitute Bill:** Two new funds are created for administration by the Interagency Committee for Outdoor Recreation. The riparian protection account is created to distribute funds for the acquisition and enhancement or restoration of riparian habitat. Riparian habitat is defined as land adjacent to water bodies, as well as submerged land and stream beds, which can provide habitat for fish and wildlife species. The farmlands preservation account is created and funds may be used for the acquisition of farmlands, their enhancement or restoration, or both.

Appropriations for a biennium of up to forty million dollars or less are split equally between the habitat conservation account and the outdoor recreation account. The riparian protection account and farmlands preservation account receive a portion of any appropriations to the WWRP exceeding forty million dollars.

Within the habitat conservation account, allocations to the existing categories are increased and a new category is created for restoration and enhancement projects by state agencies, leaving no unallocated funds. Within the outdoor recreation account, allocations to the existing categories are also increased and a new category is created for development and renovation projects on state lands, leaving no unallocated funds. Criteria for grants for habitat conservation and outdoor recreation are revised to include such considerations as consistency with land use, shoreline, watershed, and recovery plans, inclusion of noxious weed control management plans, and the statewide significance of critical habitat projects.

The committee may retain up to three percent of WWRP funds for administration. The Committee may accept private donations to the WWRP accounts. Project lists are prepared and submitted to the Governor in even numbered years.

Lands acquired by the Department of Natural Resources and the Department of Fish and Wildlife using funds from the habitat conservation account and the riparian protection account are subject to payments in lieu of property taxes and for weed control.

State or local agencies must review a proposed project application with the local government with jurisdiction over lands proposed for acquisition with WWRP grant funds.

Moneys appropriated for purposes of riparian protection, critical habitat, and urban wildlife habitat may be used to fund mitigation banking projects. Such moneys may not, however, be used to supplant a state or local agency's obligation to provide mitigation.

Habitat and recreation lands acquired using WWRP grant funds may not be converted to a use other than that for which funds were originally approved without the approval of the committee.

**Substitute Bill Compared to Original Bill:** The substitute bill requires state or local agencies to review a proposed project application involving land acquisition with the local government with jurisdiction over the land. The substitute bill adds noxious weed control management plans as criteria to be considered by the committee when making funding decisions. The substitute bill increases allocations to the habitat conservation account for restoration and enhancement projects on state lands. The substitute bill authorizes funds to be used for mitigation banking projects. Also, the substitute bill clarifies that funds for farmlands preservation projects may be used for land acquisition, enhancement or restoration, or both.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Portions of the bill take effect July 1, 2005, and other portions take effect July 1, 2007.

**Testimony For:** Payments in lieu of property taxes would protect counties from losing part of their tax base when lands are acquired through the WWRP. Expanding grant criteria to include factors relating to local planning would assist local governments implement these plans. The addition of the riparian protection account and the farmlands preservation account provide additional means to accomplish the WWRP's goals. As Washington State grows, the WWRP provides a valuable opportunity to preserve habitat and the state's high quality of life.

**Testimony Against:** Washington State suffers from a lack of land on which to build, a problem which further land acquisitions by the state will only increase. The state should work to enhance lands it owns, not to purchase new property.

**Who Testified:** PRO: Bonnie Bunning, Department of Natural Resources; Don Stuart, American Farmland Trust; Dwight Sutton, City of Bainbridge Island; Mike Ryherd, Washington Wildlife and Recreation Coalition; Bob Rose, Skagitonians to Preserve Farmland; Mark Quinn, Department of Fish and Wildlife; Fred Romero, Parks and Recreation Commission; Eric Johnson, Lewis County WWRC; Joanna Grist, Washington Wildlife and Recreation Coalition; Linda Oestreich, City of Olympia; Bill Robinson, The Nature Conservancy; Paul Parker, Washington State Association of Counties.

CON: John Stuhlmiller, Farm Bureau; Andy Cook, Building Industry Association of Washington.