
HOUSE BILL 2509

State of Washington

64th Legislature

2016 Regular Session

By Representatives Tharinger, DeBolt, Blake, and Zeiger; by request of Recreation and Conservation Office

Read first time 01/14/16. Referred to Committee on Capital Budget.

1 AN ACT Relating to implementing the recommendations of the 2015
2 review of the Washington wildlife and recreation program; amending
3 RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.070,
4 79A.15.080, 79A.15.110, and 79A.15.130; reenacting and amending RCW
5 79A.15.060; creating a new section; and repealing RCW 79A.15.120.

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

7 NEW SECTION. **Sec. 1.** In section 3163, chapter 3, Laws of 2015
8 3rd sp. sess., the legislature directed the recreation and
9 conservation office to review and make recommendations for changes to
10 the Washington wildlife and recreation program. The recreation and
11 conservation office conducted the review and this act details the
12 proposed recommendations for statutory revisions to chapter 79A.15
13 RCW that will ensure continued success of the program for future
14 generations.

15 **Sec. 2.** RCW 79A.15.010 and 2015 c 225 s 126 are each amended to
16 read as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

19 (1) "Acquisition" means the purchase on a willing seller basis of
20 fee or less than fee interests in real property. These interests

1 include, but are not limited to, options, rights of first refusal,
2 conservation easements, leases, and mineral rights.

3 (2) "Board" means the recreation and conservation funding board.

4 (3) "Critical habitat" means lands important for the protection,
5 management, or public enjoyment of certain wildlife species or groups
6 of species, including, but not limited to, wintering range for deer,
7 elk, and other species, waterfowl and upland bird habitat, fish
8 habitat, and habitat for endangered, threatened, or sensitive
9 species.

10 (4) "Farmlands" means any land defined as: (a) "Farm and
11 agricultural land" in RCW 84.34.020(2); and (b) "farm and
12 agricultural conservation land" in RCW 84.34.020(8).

13 (5) "Local agencies" means a city, county, town, federally
14 recognized Indian tribe, special purpose district, port district, or
15 other political subdivision of the state providing services to less
16 than the entire state.

17 (6) "Natural areas" means areas that have, to a significant
18 degree, retained their natural character and are important in
19 preserving rare or vanishing flora, fauna, geological, natural
20 historical, or similar features of scientific or educational value.

21 (7) "Nonprofit nature (~~conservancy corporation or association~~)
22 conservancies means (~~an~~) organizations as defined in RCW 84.34.250.

23 (8) "Riparian habitat" means land adjacent to water bodies, as
24 well as submerged land such as streambeds, which can provide
25 functional habitat for salmonids and other fish and wildlife species.
26 Riparian habitat includes, but is not limited to, shorelines and
27 near-shore marine habitat, estuaries, lakes, wetlands, streams, and
28 rivers.

29 (9) "Special needs populations" means physically restricted
30 people or people of limited means.

31 (10) "State agencies" means the state parks and recreation
32 commission, the department of natural resources, the department of
33 enterprise services, and the department of fish and wildlife.

34 (11) "Trails" means public ways constructed for and open to
35 pedestrians, equestrians, or bicyclists, or any combination thereof,
36 other than a sidewalk constructed as a part of a city street or
37 county road for exclusive use of pedestrians.

38 (12) "Urban wildlife habitat" means lands that provide habitat
39 important to wildlife in proximity to a metropolitan area.

1 (13) "Water access" means boat or foot access to marine waters,
2 lakes, rivers, or streams.

3 (14) "Confer" means to hold a dialogue between state agency
4 sponsors and local county and city officials with the purpose of
5 early review of potential projects.

6 (15) "Forest lands" means any land defined as "timberland" in RCW
7 84.34.020(3).

8 (16) "Multiple benefits" means recreational or resource uses or
9 management practices that are compatible with habitat conservation or
10 that provide additional conservation benefit.

11 **Sec. 3.** RCW 79A.15.030 and 2015 c 183 s 1 are each amended to
12 read as follows:

13 (1) Moneys appropriated prior to July 1, 2016, for this chapter
14 shall be divided as follows:

15 (a) Appropriations for a biennium of forty million dollars or
16 less must be allocated equally between the habitat conservation
17 account and the outdoor recreation account.

18 (b) If appropriations for a biennium total more than forty
19 million dollars, the money must be allocated as follows: (i) Twenty
20 million dollars to the habitat conservation account and twenty
21 million dollars to the outdoor recreation account; (ii) any amount
22 over forty million dollars up to fifty million dollars shall be
23 allocated as follows: (A) Ten percent to the habitat conservation
24 account; (B) ten percent to the outdoor recreation account; (C) forty
25 percent to the riparian protection account; and (D) forty percent to
26 the farmlands preservation account; and (iii) any amounts over fifty
27 million dollars must be allocated as follows: (A) Thirty percent to
28 the habitat conservation account; (B) thirty percent to the outdoor
29 recreation account; (C) thirty percent to the riparian protection
30 account; and (D) ten percent to the farmlands preservation account.

31 ~~((Except as otherwise provided in chapter 303, Laws of~~
32 ~~2005,)) Beginning July 1, 2016, moneys appropriated for this chapter
33 must be allocated as follows: (a) Forty-five percent to the habitat
34 conservation account; (b) forty-five percent to the outdoor
35 recreation account; and (c) ten percent to the farm and forest
36 account.~~

37 (3) Moneys deposited in these accounts shall be invested as
38 authorized for other state funds, and any earnings on them shall be
39 credited to the respective account.

1 ~~((3))~~ (4) All moneys deposited in the habitat conservation,
2 outdoor recreation, ~~((riparian protection, and farmlands~~
3 ~~preservation))~~ and farm and forest accounts shall be allocated as
4 provided under RCW 79A.15.040, 79A.15.050, ~~((79A.15.120,))~~ and
5 79A.15.130 as grants to state or local agencies or nonprofit nature
6 ~~((conservancy organizations or associations))~~ conservancies for
7 acquisition, development, and renovation within the jurisdiction of
8 those agencies, subject to legislative appropriation. The board may
9 use or permit the use of any funds appropriated for this chapter as
10 matching funds where federal, local, or other funds are made
11 available for projects within the purposes of this chapter. Moneys
12 appropriated to these accounts that are not obligated to a specific
13 project may be used to fund projects from lists of alternate projects
14 from the same account in biennia succeeding the biennium in which the
15 moneys were originally appropriated.

16 ~~((4))~~ (5) Projects receiving grants ~~((under this chapter that~~
17 ~~are developed or otherwise accessible for public recreational uses~~
18 ~~shall be available to the public))~~ for development, recreational
19 access, or fee simple acquisition of land under this chapter must be
20 accessible for public recreation and outdoor education unless the
21 board specifically approves limiting public access in order to
22 protect sensitive species, water quality, or public safety.

23 ~~((5))~~ (6) The board may make grants to an eligible project from
24 the habitat conservation, outdoor recreation, ~~((riparian protection,~~
25 ~~and farmlands preservation))~~ and farm and forest accounts and any one
26 or more of the applicable categories under such accounts described in
27 RCW 79A.15.040, 79A.15.050, ~~((79A.15.120,))~~ and 79A.15.130.

28 ~~((6))~~ (7) The board may accept private donations to the habitat
29 conservation account, the outdoor recreation account, ~~((the riparian~~
30 ~~protection account,))~~ and the ~~((farmlands preservation))~~ farm and
31 forest account for the purposes specified in this chapter.

32 ~~((7))~~ (8) The board may retain a portion of the funds
33 appropriated for this chapter for its office for the administration
34 of the programs and purposes specified in this chapter. The portion
35 of the funds retained for administration may not exceed: (a) The
36 actual administration costs averaged over the previous five biennia
37 as a percentage of the legislature's new appropriation for this
38 chapter; or (b) the amount specified in the appropriation, if any.
39 Each biennium the percentage specified under (a) of this subsection
40 must be approved by the office of financial management and submitted

1 along with the prioritized lists of projects to be funded in RCW
2 79A.15.060(~~((+6))~~), 79A.15.070(~~((+7))~~), (~~((79A.15.120(10),~~) and
3 79A.15.130(~~((+11))~~).

4 (~~((+8))~~) (9) Habitat and recreation land and facilities acquired
5 or developed with moneys appropriated for this chapter may not,
6 without prior approval of the board, be converted to a use other than
7 that for which funds were originally approved. The board shall adopt
8 rules and procedures governing the approval of such a conversion.

9 **Sec. 4.** RCW 79A.15.040 and 2008 c 299 s 29 are each amended to
10 read as follows:

11 (1) Moneys appropriated for this chapter prior to July 1, 2016,
12 to the habitat conservation account shall be distributed in the
13 following way:

14 (a) Not less than forty percent through June 30, 2011, at which
15 time the amount shall become forty-five percent, for the acquisition
16 and development of critical habitat;

17 (b) Not less than thirty percent for the acquisition and
18 development of natural areas;

19 (c) Not less than twenty percent for the acquisition and
20 development of urban wildlife habitat; and

21 (d) Not less than ten percent through June 30, 2011, at which
22 time the amount shall become five percent, shall be used by the board
23 to fund restoration and enhancement projects on state lands. Only the
24 department of natural resources and the department of fish and
25 wildlife may apply for these funds to be used on existing habitat and
26 natural area lands.

27 (2) Moneys appropriated beginning July 1, 2016, for this chapter
28 to the habitat conservation account shall be distributed in the
29 following way:

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

32 (b) Not less than twenty-five percent for the acquisition and
33 development of natural areas;

34 (c) Not less than fifteen percent for the acquisition or
35 enhancement or restoration of riparian habitat;

36 (d) Not less than fifteen percent for the acquisition and
37 development of urban wildlife; and

38 (e) Not less than ten percent or three million dollars, whichever
39 is less, for the board to fund restoration and enhancement projects

1 on state lands. Any amount above three million dollars must be
2 distributed for the purposes of (c) of this subsection.

3 (3)(a) In distributing these funds, the board retains discretion
4 to meet the most pressing needs for critical habitat, natural areas,
5 riparian protection, and urban wildlife habitat, and is not required
6 to meet the percentages described in subsections (1) and (2) of this
7 section in any one biennium.

8 (b) If not enough project applications are submitted in a
9 category within the habitat conservation account to meet the
10 percentages described in subsections (1) and (2) of this section in
11 any biennium, the board retains discretion to distribute any
12 remaining funds to the other categories within the account.

13 ~~((3)---Only))~~ (4) State agencies and nonprofit nature
14 conservancies may apply for acquisition and development funds for
15 natural areas projects under subsection (1)(b) of this section.

16 ~~((4))~~ (5) State and local agencies and nonprofit nature
17 conservancies may apply for acquisition and development funds for
18 critical habitat ~~((and)),~~ urban wildlife ~~((habitat)),~~ and riparian
19 protection projects under ~~((subsection (1)(a) and (c) of))~~ this
20 section. Other state agencies not defined in RCW 79A.15.010, such as
21 the department of transportation and the department of corrections,
22 may enter into interagency agreements with state agencies to apply in
23 partnership for riparian protection funds under this section.

24 (6) The department of natural resources, the department of fish
25 and wildlife, and the state parks and recreation commission may apply
26 for restoration and enhancement funds to be used on existing state-
27 owned lands.

28 ~~((5))~~ (7)(a) Any lands that have been acquired with grants
29 under this section by the department of fish and wildlife are subject
30 to an amount in lieu of real property taxes and an additional amount
31 for control of noxious weeds as determined by RCW 77.12.203.

32 (b) Any lands that have been acquired with grants under this
33 section by the department of natural resources are subject to
34 payments in the amounts required under the provisions of RCW
35 79.70.130 and 79.71.130.

36 ~~((6))~~ (8) Except as otherwise conditioned by RCW 79A.15.140 or
37 79A.15.150, the board in its evaluating process shall consider the
38 following in determining distribution priority:

39 (a) Whether the entity applying for funding is a Puget Sound
40 partner, as defined in RCW 90.71.010;

1 (b) Effective one calendar year following the development and
2 statewide availability of model evergreen community management plans
3 and ordinances under RCW 35.105.050, whether the entity receiving
4 assistance has been recognized, and what gradation of recognition was
5 received, in the evergreen community recognition program created in
6 RCW 35.105.030; and

7 (c) Whether the project is referenced in the action agenda
8 developed by the Puget Sound partnership under RCW 90.71.310.

9 ~~((7))~~ (9) After January 1, 2010, any project designed to
10 address the restoration of Puget Sound may be funded under this
11 chapter only if the project is not in conflict with the action agenda
12 developed by the Puget Sound partnership under RCW 90.71.310.

13 **Sec. 5.** RCW 79A.15.050 and 2007 c 241 s 30 are each amended to
14 read as follows:

15 (1) Moneys appropriated prior to July 1, 2016, for this chapter
16 to the outdoor recreation account shall be distributed in the
17 following way:

18 (a) Not less than thirty percent to the state parks and
19 recreation commission for the acquisition and development of state
20 parks, with at least fifty percent of the money for acquisition
21 costs;

22 (b) Not less than thirty percent for the acquisition,
23 development, and renovation of local parks, with at least fifty
24 percent of this money for acquisition costs;

25 (c) Not less than twenty percent for the acquisition, renovation,
26 or development of trails;

27 (d) Not less than fifteen percent for the acquisition,
28 renovation, or development of water access sites, with at least
29 seventy-five percent of this money for acquisition costs; and

30 (e) Not less than five percent for development and renovation
31 projects on state recreation lands. Only the department of natural
32 resources and the department of fish and wildlife may apply for these
33 funds to be used on their existing recreation lands.

34 (2) Moneys appropriated beginning July 1, 2016, for this chapter
35 to the outdoor recreation account shall be distributed in the
36 following way:

37 (a) Not less than thirty percent to the state parks and
38 recreation commission for the acquisition and development of state

1 parks, with at least forty percent but no more than fifty percent of
2 the money for acquisition costs;

3 (b) Not less than thirty percent for the acquisition,
4 development, and renovation of local parks, with at least forty
5 percent but no more than fifty percent of this money for acquisition
6 costs;

7 (c) Not less than twenty percent for the acquisition, renovation,
8 or development of trails;

9 (d) Not less than ten percent for the acquisition, renovation, or
10 development of water access sites, with at least seventy-five percent
11 of this money for acquisition costs; and

12 (e) Not less than ten percent or three million dollars, whichever
13 is less, for development and renovation projects on state recreation
14 lands. Any amount above three million dollars must be distributed for
15 the purposes of (d) of this subsection.

16 (3)(a) In distributing these funds, the board retains discretion
17 to meet the most pressing needs for state and local parks, trails,
18 and water access sites, and is not required to meet the percentages
19 described in subsections (1) and (2) of this section in any one
20 biennium.

21 (b) If not enough project applications are submitted in a
22 category within the outdoor recreation account to meet the
23 percentages described in subsections (1) and (2) of this section in
24 any biennium, the board retains discretion to distribute any
25 remaining funds to the other categories within the account.

26 ~~((+3))~~ (4) Only the state parks and recreation commission may
27 apply for acquisition, development, and renovation funds for state
28 parks under subsections (1)(a) and (2)(a) of this section.

29 (5) Only local agencies may apply for acquisition, development,
30 or renovation funds for local parks under subsections (1)(b) and
31 (2)(b) of this section.

32 ~~((+4))~~ (6) Only state and local agencies may apply for funds for
33 trails under subsections (1)(c) and (2)(c) of this section.

34 ~~((+5))~~ (7) Only state and local agencies may apply for funds for
35 water access sites under subsections (1)(d) and (2)(d) of this
36 section.

37 (8) Only the department of natural resources and the department
38 of fish and wildlife may apply for funds for development and
39 renovation projects on existing state recreation lands under
40 subsections (1)(e) and (2)(e) of this section.

1 **Sec. 6.** RCW 79A.15.060 and 2009 c 341 s 3 and 2009 c 16 s 1 are
2 each reenacted and amended to read as follows:

3 (1) The board may adopt rules establishing acquisition policies
4 and priorities for distributions from the habitat conservation
5 account.

6 (2) Except as provided in RCW 79A.15.030(~~(7)~~) (8), moneys
7 appropriated for this chapter may not be used by the board to fund
8 staff positions or other overhead expenses, or by a state, regional,
9 or local agency to fund operation or maintenance of areas acquired
10 under this chapter.

11 (3) Moneys appropriated for this chapter may be used by grant
12 recipients for costs incidental to acquisition, including, but not
13 limited to, surveying expenses, fencing, noxious weed control, and
14 signing.

15 (4) The board may not approve a local project where the local
16 agency share is less than the amount to be awarded from the habitat
17 conservation account.

18 (5) In determining acquisition priorities with respect to the
19 habitat conservation account, the board shall consider, at a minimum,
20 the following criteria:

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

22 (i) Multiple benefits for the project;

23 (ii) Community support for the project;

24 (~~(iii)~~) (iii) The project proposal's ongoing stewardship program
25 that includes control of noxious weeds, detrimental invasive species,
26 and that identifies the source of the funds from which the
27 stewardship program will be funded;

28 (~~(iii)~~) (iv) Recommendations as part of a watershed plan or
29 habitat conservation plan, or a coordinated regionwide prioritization
30 effort, and for projects primarily intended to benefit salmon,
31 limiting factors, or critical pathways analysis;

32 (~~(iv)~~) (v) Immediacy of threat to the site;

33 (~~(v)~~) (vi) Uniqueness of the site;

34 (~~(vi)~~) (vii) Diversity of species using the site;

35 (~~(vii)~~) (viii) Quality of the habitat;

36 (~~(viii)~~) (ix) Long-term viability of the site;

37 (~~(ix)~~) (x) Presence of endangered, threatened, or sensitive
38 species;

39 (~~(x)~~) (xi) Enhancement of existing public property;

1 ~~((xi))~~ (xii) Consistency with a local land use plan, or a
2 regional or statewide recreational or resource plan, including
3 projects that assist in the implementation of local shoreline master
4 plans updated according to RCW 90.58.080 or local comprehensive plans
5 updated according to RCW 36.70A.130;

6 ~~((xii))~~ (xiii) Educational and scientific value of the site;

7 ~~((xiii))~~ (xiv) Integration with recovery efforts for
8 endangered, threatened, or sensitive species;

9 ~~((xiv))~~ (xv) For critical habitat proposals by local agencies
10 and nonprofit nature conservancies, the statewide significance of the
11 site.

12 (b) For urban wildlife habitat proposals, in addition to the
13 criteria of (a) of this subsection:

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

15 (ii) Proximity to other wildlife habitat;

16 (iii) Potential for public use; and

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

18 (c) For riparian protection proposals, the board must consider,
19 at a minimum, the following criteria:

20 (i) Whether the project continues the conservation reserve
21 enhancement program. Applications that extend the duration of leases
22 of riparian areas that are currently enrolled in the conservation
23 reserve enhancement program are eligible. These applications are
24 eligible for a conservation lease extension of at least twenty-five
25 years of duration;

26 (ii) Whether the projects are identified or recommended in a
27 watershed plan, salmon recovery plan, or other local plans, such as
28 habitat conservation plans, and these must be highly considered in
29 the process;

30 (iii) Whether there is community support for the project;

31 (iv) Whether the proposal includes an ongoing stewardship program
32 that includes control of noxious weeds, detrimental invasive species,
33 and that identifies the source of the funds from which the
34 stewardship program will be funded;

35 (v) Whether there is an immediate threat to the site;

36 (vi) Whether the quality of the habitat is improved or, for
37 projects including restoration or enhancement, the potential for
38 restoring quality habitat including linkage of the site to other high
39 quality habitat;

1 (vii) Whether the project is consistent with a local land use
2 plan or a regional or statewide recreational or resource plan. The
3 projects that assist in the implementation of local shoreline master
4 plans updated according to RCW 90.58.080 or local comprehensive plans
5 updated according to RCW 36.70A.130 must be highly considered in the
6 process;

7 (viii) Whether the site has educational or scientific value; and
8 (ix) Whether the site has passive recreational values for walking
9 trails, wildlife viewing, the observation of natural settings, or
10 other multiple benefits.

11 (d) Moneys appropriated for this chapter to riparian protection
12 projects must be distributed for the acquisition or enhancement or
13 restoration of riparian habitat. All enhancement or restoration
14 projects, except those qualifying under (c)(i) of this subsection,
15 must include the acquisition of a real property interest in order to
16 be eligible.

17 (6) Before November 1st of each even-numbered year, the board
18 shall recommend to the governor a prioritized list of all (~~state~~
19 ~~agency and local~~) projects to be funded under RCW 79A.15.040(~~(1)~~
20 ~~(a), (b), and (c)~~). The governor may remove projects from the list
21 recommended by the board and shall submit this amended list in the
22 capital budget request to the legislature. The list shall include,
23 but not be limited to, a description of each project and any
24 particular match requirement, and describe for each project any
25 anticipated restrictions upon recreational activities allowed prior
26 to the project.

27 **Sec. 7.** RCW 79A.15.070 and 2007 c 241 s 33 are each amended to
28 read as follows:

29 (1) In determining which state parks proposals and local parks
30 proposals to fund, the board shall use existing policies and
31 priorities.

32 (2) Except as provided in RCW 79A.15.030(~~(7)~~) (8), moneys
33 appropriated for this chapter may not be used by the board to fund
34 staff or other overhead expenses, or by a state, regional, or local
35 agency to fund operation or maintenance of areas acquired under this
36 chapter.

37 (3) Moneys appropriated for this chapter may be used by grant
38 recipients for costs incidental to acquisition and development,

1 including, but not limited to, surveying expenses, fencing, and
2 signing.

3 (4) The board may not approve a project of a local agency where
4 the share contributed by the local agency is less than the amount to
5 be awarded from the outdoor recreation account. The local agency's
6 share may be reduced or waived if the project meets the needs of an
7 underserved population or a community in need, as defined by the
8 board.

9 (5) The board may adopt rules establishing acquisition policies
10 and priorities for the acquisition and development of trails and
11 water access sites to be financed from moneys in the outdoor
12 recreation account.

13 (6) In determining the acquisition and development priorities,
14 the board shall consider, at a minimum, the following criteria:

15 (a) For trails proposals:

16 (i) Community support for the project;

17 (ii) Immediacy of threat to the site;

18 (iii) Linkage between communities;

19 (iv) Linkage between trails;

20 (v) Existing or potential usage;

21 (vi) Consistency with a local land use plan, or a regional or
22 statewide recreational or resource plan, including projects that
23 assist in the implementation of local shoreline master plans updated
24 according to RCW 90.58.080 or local comprehensive plans updated
25 according to RCW 36.70A.130;

26 (vii) Availability of water access or views;

27 (viii) Enhancement of wildlife habitat; and

28 (ix) Scenic values of the site.

29 (b) For water access proposals:

30 (i) Community support for the project;

31 (ii) Distance from similar water access opportunities;

32 (iii) Immediacy of threat to the site;

33 (iv) Diversity of possible recreational uses;

34 (v) Public demand in the area; and

35 (vi) Consistency with a local land use plan, or a regional or
36 statewide recreational or resource plan, including projects that
37 assist in the implementation of local shoreline master plans updated
38 according to RCW 90.58.080 or local comprehensive plans updated
39 according to RCW 36.70A.130.

1 (7) Before November 1st of each even-numbered year, the board
2 shall recommend to the governor a prioritized list of all (~~state~~
3 ~~agency and local~~) projects to be funded under RCW 79A.15.050(~~(1)~~
4 ~~(a), (b), (c), and (d)~~). The governor may remove projects from the
5 list recommended by the board and shall submit this amended list in
6 the capital budget request to the legislature. The list shall
7 include, but not be limited to, a description of each project and any
8 particular match requirement, and describe for each project any
9 anticipated restrictions upon recreational activities allowed prior
10 to the project.

11 **Sec. 8.** RCW 79A.15.080 and 2007 c 241 s 34 are each amended to
12 read as follows:

13 The board shall not sign contracts or otherwise financially
14 obligate funds from the habitat conservation account, the outdoor
15 recreation account, (~~the riparian protection account,~~) or the
16 (~~farmlands preservation~~) farm and forest account as provided in
17 this chapter before the legislature has appropriated funds for a
18 specific list of projects. The legislature may remove projects from
19 the list recommended by the governor.

20 **Sec. 9.** RCW 79A.15.110 and 2007 c 241 s 36 are each amended to
21 read as follows:

22 ((A)) State or local ((agency)) agencies or nonprofit nature
23 conservancies shall review the proposed project application and
24 confer with the county or city with jurisdiction over the project
25 area prior to applying for funds for the acquisition of property
26 under this chapter. The appropriate county or city legislative
27 authority may, at its discretion, submit a letter to the board
28 identifying the authority's position with regard to the acquisition
29 project. The board shall make the letters received under this section
30 available to the governor and the legislature when the prioritized
31 project list is submitted under (~~RCW 79A.15.120, 79A.15.060, and~~
32 ~~79A.15.070~~) this chapter.

33 **Sec. 10.** RCW 79A.15.130 and 2009 c 341 s 5 are each amended to
34 read as follows:

35 (1) The (~~farmlands preservation~~) farm and forest account is
36 established in the state treasury. The board will administer the
37 account in accordance with chapter 79A.25 RCW and this chapter, and

1 hold it separate and apart from all other money, funds, and accounts
2 of the board. Moneys appropriated for this chapter to the (~~farmlands~~
3 ~~preservation~~) farm and forest account must be distributed for the
4 acquisition and preservation of farmlands and forest lands in order
5 to maintain the opportunity for agricultural and forest management
6 activity upon these lands.

7 ~~(2)((a) Moneys appropriated for this chapter to the farmlands~~
8 ~~preservation account may be distributed for (i) the fee simple or~~
9 ~~less than fee simple acquisition of farmlands; (ii) the enhancement~~
10 ~~or restoration of ecological functions on those properties; or (iii)~~
11 ~~both)) Moneys appropriated beginning July 1, 2016, for this chapter~~
12 ~~shall be divided as follows:~~

13 (a) Not less than ninety percent for the acquisition and
14 preservation of farmlands.

15 (b) Not less than ten percent for the acquisition and
16 preservation of forest lands.

17 (3) Moneys appropriated for this chapter to the farm and forest
18 account may be distributed for: (a) The acquisition of a less than
19 fee simple interest in farmlands or forest land, such as a
20 conservation easement or lease; (b) the enhancement or restoration of
21 ecological functions on those properties; or (c) both. In order for a
22 farmland or forest land preservation grant to provide for an
23 environmental enhancement or restoration project, the project must
24 include the acquisition of a real property interest.

25 ~~((b) If a city, county, nonprofit nature conservancy~~
26 ~~organization or association, or the conservation commission acquires~~
27 ~~a property through this program in fee simple, the city, county,~~
28 ~~nonprofit nature conservancy organization or association, or the~~
29 ~~conservation commission shall endeavor to secure preservation of the~~
30 ~~property through placing a conservation easement, or other form of~~
31 ~~deed restriction, on the property which dedicates the land to~~
32 ~~agricultural use and retains one or more property rights in~~
33 ~~perpetuity. Once an easement or other form of deed restriction is~~
34 ~~placed on the property, the city, county, nonprofit nature~~
35 ~~conservancy organization or association, or the conservation~~
36 ~~commission shall seek to sell the property, at fair market value, to~~
37 ~~a person or persons who will maintain the property in agricultural~~
38 ~~production. Any moneys from the sale of the property shall either be~~
39 ~~used to purchase interests in additional properties which meet the~~

1 ~~criteria in subsection (9) of this section, or to repay the grant~~
2 ~~from the state which was originally used to purchase the property.~~

3 ~~(3))~~ (4) Cities, counties, nonprofit nature (~~conservancy~~
4 ~~organizations or associations~~) conservancies, and the conservation
5 commission may apply for acquisition and enhancement or restoration
6 funds for farmland or forest land preservation projects within their
7 jurisdictions under subsection (1) of this section.

8 ~~((4))~~ (5) The board may adopt rules establishing acquisition
9 and enhancement or restoration policies and priorities for
10 distributions from the (~~farmlands preservation~~) farm and forest
11 account.

12 ~~((5))~~ (6) The acquisition of a property (~~right~~) interest in a
13 project under this section (~~by a county, city, nonprofit nature~~
14 ~~conservancy organization or association, or the conservation~~
15 ~~commission~~) does not provide a right of access to the property by
16 the public unless explicitly provided for in a conservation easement
17 or other form of deed restriction.

18 ~~((6))~~ (7) Except as provided in RCW 79A.15.030(~~(7))~~ (8),
19 moneys appropriated for this section may not be used by the board to
20 fund staff positions or other overhead expenses, or by (~~a city,~~
21 ~~county, nonprofit nature conservancy organization or association~~)
22 cities, counties, nonprofit nature conservancies, or the conservation
23 commission to fund operation or maintenance of areas acquired under
24 this chapter.

25 ~~((7))~~ (8) Moneys appropriated for this section may be used by
26 grant recipients for costs incidental to restoration and acquisition,
27 including, but not limited to, surveying expenses, fencing, noxious
28 weed control, and signing.

29 ~~((8))~~ (9) The board may not approve a local project where the
30 local agency's or nonprofit nature (~~conservancy organization's or~~
31 ~~association's~~) conservancies' share is less than the amount to be
32 awarded from the (~~farmlands preservation~~) farm and forest account.
33 In-kind contributions, including contributions of a real property
34 interest in land, may be used to satisfy the local agency's or
35 nonprofit nature (~~conservancy organization's or association's~~)
36 conservancies' share.

37 ~~((9))~~ (10) In determining the acquisition priorities for
38 farmland projects, the board must consider, at a minimum, the
39 following criteria:

40 (a) Community support for the project;

1 (b) A recommendation as part of a limiting factors or critical
2 pathways analysis, a watershed plan or habitat conservation plan, or
3 a coordinated regionwide prioritization effort;

4 (c) The likelihood of the conversion of the site to
5 nonagricultural or more highly developed usage;

6 (d) Consistency with a local land use plan, or a regional or
7 statewide recreational or resource plan. The projects that assist in
8 the implementation of local shoreline master plans updated according
9 to RCW 90.58.080 or local comprehensive plans updated according to
10 RCW 36.70A.130 must be highly considered in the process;

11 (e) Benefits to salmonids;

12 (f) Benefits to other fish and wildlife habitat;

13 (g) Integration with recovery efforts for endangered, threatened,
14 or sensitive species;

15 (h) The viability of the site for continued agricultural
16 production, including, but not limited to:

17 (i) Soil types;

18 (ii) On-site production and support facilities such as barns,
19 irrigation systems, crop processing and storage facilities, wells,
20 housing, livestock sheds, and other farming infrastructure;

21 (iii) Suitability for producing different types or varieties of
22 crops;

23 (iv) Farm-to-market access;

24 (v) Water availability; and

25 (i) Other community values provided by the property when used as
26 agricultural land, including, but not limited to:

27 (i) Viewshed;

28 (ii) Aquifer recharge;

29 (iii) Occasional or periodic collector for storm water runoff;

30 (iv) Agricultural sector job creation;

31 (v) Migratory bird habitat and forage area; and

32 (vi) Educational and curriculum potential.

33 (~~((10))~~) (11) In allotting funds for environmental enhancement or
34 restoration projects, the board will require the projects to meet the
35 following criteria:

36 (a) Enhancement or restoration projects must further the
37 ecological functions of the farmlands;

38 (b) The projects, such as fencing, bridging watercourses,
39 replanting native vegetation, replacing culverts, clearing of

1 waterways, etc., must be less than fifty percent of the acquisition
2 cost of the project including any in-kind contribution by any party;

3 (c) The projects should be based on accepted methods of achieving
4 beneficial enhancement or restoration results; and

5 (d) The projects should enhance the viability of the preserved
6 farmland to provide agricultural production while conforming to any
7 legal requirements for habitat protection.

8 ~~((11))~~ (12) In determining the acquisition priorities for
9 forest land projects, the board must consider, at a minimum, the
10 following criteria:

11 (a) Community support for the project;

12 (b) A recommendation as part of a limiting factors or critical
13 pathways analysis, a watershed plan or habitat conservation plan, or
14 a coordinated regionwide prioritization effort;

15 (c) The likelihood of conversion of the site to nontimber or more
16 highly developed use;

17 (d) Consistency with a local land use plan, or a regional or
18 statewide recreational or resource plan. The projects that assist in
19 the implementation of local shoreline master plans updated according
20 to RCW 90.58.080 or local comprehensive plans updated according to
21 RCW 36.70A.130 must be highly considered in the process;

22 (e) Multiple benefits of the project;

23 (f) Project attributes, including but not limited to:

24 (i) Clean air and water;

25 (ii) Stormwater management;

26 (iii) Wildlife habitat; and

27 (iv) Potential for carbon sequestration.

28 (13) In allotting funds for environmental enhancement or
29 restoration projects, the board must require the projects to meet the
30 following criteria:

31 (a) Enhancement or restoration projects must further the
32 ecological functions of the forest lands;

33 (b) The projects, such as fencing, bridging watercourses,
34 replanting native vegetation, replacing culverts, etc., must be less
35 than fifty percent of the acquisition cost of the project including
36 any in-kind contribution by any party;

37 (c) The projects should be based on accepted methods of achieving
38 beneficial enhancement or restoration results;

1 (d) The projects should enhance the viability of the preserved
2 forest land to provide timber production while conforming to any
3 legal requirements for habitat protection.

4 (14) Before November 1st of each even-numbered year, the board
5 will recommend to the governor a prioritized list of all projects to
6 be funded under this section. The governor may remove projects from
7 the list recommended by the board and must submit this amended list
8 in the capital budget request to the legislature. The list must
9 include, but not be limited to, a description of each project and any
10 particular match requirement.

11 NEW SECTION. **Sec. 11.** RCW 79A.15.120 (Riparian protection
12 account—Use of funds) and 2009 c 341 s 4, 2009 c 16 s 2, 2007 c 241 s
13 37, & 2005 c 303 s 6 are each repealed.

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