

HOUSE BILL REPORT

HB 1492

As Reported By House Committee On:
Natural Resources

Title: An act relating to natural area preserves.

Brief Description: Creating easements across natural area preserves.

Sponsors: Representatives Buck, Kessler and Schoesler.

Brief History:

Committee Activity:

Natural Resources: 2/14/97, 3/5/97 [DPS].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Alexander; Anderson; Chandler; Hatfield; Pennington and Sheldon.

Staff: Linda Byers (786-7129).

Background: The Department of Natural Resources manages a system of state-owned natural area preserves. These are state-owned lands which have retained their natural character, although not necessarily completely natural and undisturbed, or which are important in preserving rare or vanishing flora, fauna, geological, natural historical or similar features of scientific or educational value. There are 46 state-owned natural area preserves, encompassing approximately 26,000 acres.

The department may acquire property for a natural area preserve through gift, purchase, and other means with the exception of eminent domain. The department may also set aside or exchange public land or state-owned trust land for natural area preserves if the appropriate trust receives fair market value for its trust assets. Some natural area preserves have been acquired through the state's program for acquisition of habitat conservation and outdoor recreation lands. The department is not required to hold a local public hearing prior to acquisition of property for a natural area preserve.

Summary of Substitute Bill: Prior to acquiring any property for a natural area preserve, the Department of Natural Resources must hold a local public hearing in the county where the majority of the land in a proposed natural area preserve is located. At least 14 days prior to the public hearing, the department must provide notice about the hearing to the local media. At the hearing, the department must explain the natural area preserve program and the rationale for possible inclusion of the local property as a natural area preserve. The department must also distribute an accurate map of the proposed preserve boundaries.

The department may not acquire the property for a proposed natural area preserve for at least 60 days following the local public hearing. During that 60 days, the county legislative authority may pass a resolution asking the department not to acquire the property for a preserve. The department will not acquire the property for a preserve if the county legislative authority makes this request.

The department must hold an additional local public hearing when it completes a draft management plan for a natural area preserve. At this meeting, the department must clearly identify the opportunities for public use and access contained in the draft plan as well as the elimination or restriction of any existing public access. The department must provide an opportunity for public input and testimony on the draft management plan.

Substitute Bill Compared to Original Bill: The original bill calls for a local public hearing prior to establishing the boundaries of a natural area preserve and also deals with issues of access and rights-of-way to neighboring private property owners. The substitute bill calls for a minimum of two local public hearings and also allows a county legislative authority to direct the department not to acquire property for a natural area preserve.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (original bill) For one preserve, the department developed a strategy of encirclement to pick off property owners one at a time. In one case, the only road access was physically removed. This type of thing was not the Legislature's intent with the program. The department is not following ethical guidelines for acquiring property. Agencies can't use intimidation and these other tactics. This bill would not be needed if the rules were being followed. What the department is doing is illegal.

Testimony Against: (original bill) This is a site-specific disagreement, with the department and a landowner in court disputing a claim of pre-existing legal access through a preserve. The bill goes beyond this one case. It is based on the flawed assumption that pre-existing rights are extinguished when the state buys property, which is not true. It is wrong to have the public pay for private roads; this is probably a gift of state funds.

Testified: Pat Martin; Bill Pickell, Washington Contract Loggers Association (both in favor); and Stan Biles, Department of Natural Resources (opposed).