
SENATE BILL 6575

State of Washington 57th Legislature

2002 Regular Session

By Senator Hargrove

Read first time 01/22/2002. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to natural area preserves; and amending RCW
2 79.70.030, 79.70.060, and 79.70.080.

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

4 **Sec. 1.** RCW 79.70.030 and 1994 c 264 s 61 are each amended to read
5 as follows:

6 In order to set aside, preserve, and protect natural areas within
7 the state, the department is authorized, in addition to any other
8 powers, to:

9 (1) Establish by rule and regulation the criteria for selection,
10 acquisition, management, protection, and use of such natural areas,
11 including:

12 (a) Limiting public access to natural areas consistent with the
13 required protection of critical natural elements. Where appropriate,
14 a buffer zone with a higher level of public access must be created
15 around the environmentally sensitive areas;

16 (b) Developing a management plan for each designated natural area.
17 The plan must identify the significant resources to be conserved
18 consistent with the purposes of this chapter and identify the areas
19 with potential for low-impact public and environmental educational

1 uses. The plan must specify the types of management activities and
2 public uses that are permitted, consistent with the preservation
3 purposes of this chapter. The department must make the plans available
4 for review and comment by the public, the natural heritage advisory
5 council, and other state, tribal, and local agencies, prior to final
6 approval by the commissioner;

7 (2) Cooperate or contract with any federal, state, or local
8 governmental agency, private organizations, or individuals in carrying
9 out the purpose of this chapter;

10 (3) Consistent with the plan, acquire by gift, devise, purchase,
11 grant, dedication, or means other than eminent domain, the fee or any
12 lesser right or interest in real property which shall be held and
13 managed as a natural area;

14 (4) Acquire by gift, devise, grant, or donation any personal
15 property to be used in the acquisition and/or management of natural
16 areas;

17 (5) Inventory existing public, state, and private lands in
18 cooperation with the council to assess possible natural areas to be
19 preserved within the state;

20 (6) Maintain a natural heritage program to provide assistance in
21 the selection and nomination of areas containing natural heritage
22 resources for registration or dedication. The program shall maintain
23 a classification of natural heritage resources, an inventory of their
24 locations, and a data bank for such information. The department of
25 natural resources shall cooperate with the department of fish and
26 wildlife in the selection and nomination of areas from the data bank
27 that relate to critical wildlife habitats. Information from the data
28 bank shall be made available to public and private agencies and
29 individuals for environmental assessment and proprietary land
30 management purposes. Usage of the classification, inventory, or data
31 bank of natural heritage resources for any purpose inconsistent with
32 the natural heritage program is not authorized;

33 (7) Prepare a natural heritage plan which shall govern the natural
34 heritage program in the conduct of activities to create and manage a
35 system of natural areas (~~which~~) that includes natural resource
36 conservation areas, and may include areas designated under the research
37 natural area program on federal lands in the state;

1 (a) The plan shall list the natural heritage resources to be
2 considered for registration and shall provide criteria for the
3 selection and approval of natural areas under this chapter;

4 (b) The department shall provide opportunities for input, comment,
5 and review to the public, other public agencies, and private groups
6 with special interests in natural heritage resources during preparation
7 of the plan;

8 (c) Upon approval by the council and adoption by the department,
9 the plan shall be updated and submitted biennially to the appropriate
10 committees of the legislature for their information and review. The
11 plan shall take effect ninety days after the adjournment of the
12 legislative session in which it is submitted unless the reviewing
13 committees suggest changes or reject the plan; and

14 (8) Maintain a state register of natural areas containing
15 significant natural heritage resources to be called the Washington
16 register of natural area preserves. Selection of natural areas for
17 registration shall be in accordance with criteria listed in the natural
18 heritage plan and accomplished through voluntary agreement between the
19 owner of the natural area and the department. No privately owned lands
20 may be proposed to the council for registration without prior notice to
21 the owner or registered without voluntary consent of the owner. No
22 state or local governmental agency may require such consent as a
23 condition of any permit or approval of or settlement of any civil or
24 criminal proceeding or to penalize any landowner in any way for failure
25 to give, or for withdrawal of, such consent.

26 (a) The department shall adopt rules and regulations as authorized
27 by RCW 43.30.310 and 79.70.030(1) and chapter 34.05 RCW relating to
28 voluntary natural area registration.

29 (b) After approval by the council, the department may place sites
30 onto the register or remove sites from the register.

31 (c) The responsibility for management of registered natural area
32 preserves shall be with the preserve owner. A voluntary management
33 agreement may be developed between the department and the owners of the
34 sites on the register.

35 (d) Any public agency may register lands under provisions of this
36 chapter.

37 **Sec. 2.** RCW 79.70.060 and 1981 c 189 s 2 are each amended to read
38 as follows:

1 The legislature finds:

2 (1) That it is necessary to establish a process and means for
3 public and private sector cooperation in the development of a system of
4 natural areas. Private and public landowners should be encouraged to
5 participate in a program of natural area establishment which will
6 benefit all citizens of the state;

7 (2) That there is a need for a systematic and accessible means for
8 providing information concerning the locations of the state's natural
9 heritage resources; and

10 (3) That the natural heritage advisory council should utilize a
11 specific framework for natural heritage resource conservation decision
12 making through a classification, inventory, priority establishment,
13 acquisition, and management process known as the natural heritage
14 program. Future natural areas should avoid unnecessary duplication of
15 already protected natural heritage resources including those which may
16 already be protected in existing publicly owned or privately dedicated
17 lands such as nature preserves, natural areas, natural resource
18 conservation areas, parks, or wilderness.

19 **Sec. 3.** RCW 79.70.080 and 1994 c 264 s 63 are each amended to read
20 as follows:

21 (1) The council shall:

22 (a) Meet at least annually and more frequently at the request of
23 the chairperson;

24 (b) Recommend policy for the natural heritage program through the
25 review and approval of the natural heritage plan;

26 (c) Advise the department, the department of fish and wildlife, the
27 state parks and recreation commission, and other state agencies
28 managing state-owned land or natural resources regarding areas under
29 their respective jurisdictions which are appropriate for natural area
30 registration or dedication;

31 (d) Advise the department of rules and regulations that the council
32 considers necessary in carrying out this chapter; (~~and~~)

33 (e) Review and approve area nominations by the department or other
34 agencies for registration and review and comment on legal documents for
35 the voluntary dedication of such areas;

36 (f) Recommend whether new natural areas proposed for protection be
37 established as natural area preserves, natural resource conservation
38 areas, or a combination of both; and

1 (g) Review and comment on management plans proposed for individual
2 natural area preserves.

3 (2) From time to time, the council shall identify areas from the
4 natural heritage data bank which qualify for registration. Priority
5 shall be based on the natural heritage plan and shall generally be
6 given to those resources which are rarest, most threatened, or under-
7 represented in the heritage conservation system on a statewide basis.
8 After qualifying areas have been identified, the department shall
9 advise the owners of such areas of the opportunities for acquisition or
10 voluntary registration or dedication.

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