

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6575

57th Legislature
2002 Regular Session

Passed by the Senate March 11, 2002
YEAS 46 NAYS 0

President of the Senate

Passed by the House March 5, 2002
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6575** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6575

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By Senate Committee on Natural Resources, Parks & Shorelines
(originally sponsored by Senator Hargrove)

READ FIRST TIME 02/07/2002.

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
10 selection, acquisition, management, protection, and use of such natural
11 areas, including:

12 (a) Limiting public access to natural area preserves consistent
13 with the purposes of this chapter. Where appropriate, and on a case-
14 by-case basis, a buffer zone with an increased low level of public
15 access may be created around the environmentally sensitive areas;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (d) Any public agency may register lands under provisions of this
33 chapter.

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

36 The legislature finds:

37 (1) That it is necessary to establish a process and means for
38 public and private sector cooperation in the development of a system of

1 natural areas. Private and public landowners should be encouraged to
2 participate in a program of natural area establishment which will
3 benefit all citizens of the state;

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

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

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

18 (1) The council shall:

19 (a) Meet at least annually and more frequently at the request of
20 the chairperson;

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

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

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

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

33 (f) Recommend whether new areas proposed for protection be
34 established as natural area preserves, natural resources conservation
35 areas, a combination of both, or by some other protected status; and

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

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

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