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HOUSE BILL 2650

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State of Washington

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By Representatives Linville, Flannigan, Cooper, Priest, Quall, Jarrett, Kessler, Tom, Rockefeller, Dunshee, Grant, Romero, Moeller, McDermott, O'Brien, Chase, Upthegrove, Hunt, Simpson, G., Kenney, Wallace, Wood and Kagi

Read first time 01/19/2004. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to important bird areas; amending RCW 79.70.020 and  
2 79.70.080; adding a new section to chapter 79.70 RCW; and creating a  
3 new section.

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

5 NEW SECTION. **Sec. 1.** Washington state has a rich variety of  
6 birds, wildlife and fish that its citizens and visitors enjoy. With  
7 over three hundred sixty-five bird species, Washington state can use  
8 this natural asset to attract nature tourists from all over the country  
9 and the world. According to a United States fish and wildlife service  
10 report, thirty-six percent of Washington's residents currently  
11 participate in bird watching, and the watchable wildlife industry  
12 brings nearly one billion dollars per year into the state's economy.

13 The 2003 legislature recognized the economic value of promoting  
14 watchable wildlife and nature tourism when it required the departments  
15 of fish and wildlife and community, trade, and economic development to  
16 host a watchable wildlife and nature tourism conference and write a  
17 statewide strategic plan. The 2002 legislature recognized the value of  
18 identifying and conserving our state's biodiversity for future  
19 generations when it created the biodiversity task force and required a

1 plan be developed to recommend ways to conserve biodiversity.  
2 Furthermore, over the past fifteen years, the legislature has  
3 recognized the important contributions volunteers and nonprofit  
4 organizations have made in restoring and monitoring salmon and wildlife  
5 habitat. Therefore, it is the goal of the legislature to promote:  
6 Partnerships with volunteers; rural economic development; nature  
7 tourism; and conservation of biodiversity by encouraging partnerships  
8 between state government agencies, volunteers, and nonprofit  
9 organizations to designate and conserve natural assets that attract  
10 nature tourists and bird watchers to Washington's rural areas.

11 To accomplish this goal, the legislature recognizes the scientific  
12 work by Audubon Washington to use internationally recognized scientific  
13 criteria and protocols to identify, conserve, and monitor areas of the  
14 state that are important for migrating and resident birds. Scientists,  
15 ornithologists, and qualified volunteers contribute to Audubon  
16 Washington's important bird area program by identifying important bird  
17 areas, then developing mutually agreed-upon bird conservation plans and  
18 monitoring plans in cooperation with public land managers and private  
19 landowners. Volunteers and scientists in more than one hundred  
20 countries around the world have already completed identification of  
21 fourteen thousand two hundred sixty sites that qualify as important  
22 bird areas.

23 Qualified volunteers and scientists have already successfully used  
24 the international criteria to identify fifty-three sites important for  
25 birds in Washington state. Following the final round of site  
26 selection, Audubon Washington volunteers will work with landowners,  
27 businesses, and local and state governments to develop plans to  
28 maintain or enhance sites that will then become destinations for nature  
29 tourists to promote rural economic development. Therefore, it is the  
30 intent of the legislature to have Washington state participate in the  
31 recognition portion of the important bird area program by directing the  
32 natural heritage program at the department of natural resources to  
33 officially recognize important bird areas as they are identified by  
34 Audubon Washington.

35 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.70 RCW  
36 to read as follows:

37 (1) The program must use the Audubon Washington important bird area

1 information as a credible and valid source of data about birds and  
2 their habitats. The program must rely upon the scientific work  
3 performed by Audubon Washington to officially recognize these sites  
4 throughout Washington state. If Audubon Washington does not supply  
5 adequate or timely information to the program for site recognition,  
6 then the program is not required to recognize important bird area  
7 sites.

8 (2) Audubon Washington must work in cooperation with the program to  
9 develop agreed upon site selection criteria and protocols for site  
10 recognition. If the program chooses not to recognize a site, then  
11 Audubon Washington may still recognize the site as an important bird  
12 area, but it will not have official state recognition status.

13 (3) When the program recognizes an important bird area site, the  
14 site will be listed in the program's biennial report and site data will  
15 be made available to the general public, state and local agencies,  
16 tribal governments, and other entities who may use it when updating  
17 land management, land use, or other relevant planning documents. The  
18 program may also advise the department, the department of fish and  
19 wildlife, the state parks and recreation commission, and other state  
20 agencies managing state-owned land or natural resources about the  
21 scientific data associated with important bird areas.

22 (4) Audubon Washington must develop and maintain a map showing all  
23 lands designated as important bird areas and forward this information  
24 to the program. The program must make it available to the general  
25 public or other entities interested in important bird areas. Audubon  
26 Washington must send important bird area maps to the departments of  
27 fish and wildlife, agriculture, the parks and recreation commission,  
28 and other state agencies managing state-owned lands. Audubon  
29 Washington must also make the map available to the general public for  
30 rural economic development purposes, promoting local nature tourism, or  
31 scientific inventory, research, and reference purposes. Audubon  
32 Washington must retain a master inventory list and maps of properties  
33 that are designated as part of the Washington state important bird area  
34 program.

35 **Sec. 3.** RCW 79.70.020 and 2003 c 334 s 548 are each amended to  
36 read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Department" means the department of natural resources.

4 (2) "Natural areas" and "natural area preserves" include such  
5 public or private areas of land or water which have retained their  
6 natural character, although not necessarily completely natural and  
7 undisturbed, or which are important in preserving rare or vanishing  
8 flora, fauna, geological, natural historical or similar features of  
9 scientific or educational value and which are acquired or voluntarily  
10 registered or dedicated by the owner under this chapter.

11 (3) "Public lands" and "state lands" have the meaning set out in  
12 RCW 79.02.010.

13 (4) "Council" means the natural heritage advisory council as  
14 established in RCW 79.70.070.

15 (5) "Commissioner" means the commissioner of public lands.

16 (6) "Important bird area" means those areas identified by Audubon  
17 Washington using internationally recognized scientific criteria. These  
18 areas have been found to be necessary to conserve populations of wild  
19 birds native to and migrating through Washington state, and contain the  
20 habitats that birds are dependent upon for breeding, migration,  
21 shelter, and sustenance.

22 (7) "Instrument of dedication" means any written document intended  
23 to convey an interest in real property pursuant to chapter 64.04 RCW.

24 ~~((7))~~ (8) "Natural heritage resources" means the plant community  
25 types, aquatic types, unique geologic types, and special plant and  
26 animal species and their critical habitat as defined in the natural  
27 heritage plan established under RCW 79.70.030.

28 ~~((8))~~ (9) "Plan" means the natural heritage plan as established  
29 under RCW 79.70.030.

30 ~~((9))~~ (10) "Program" means the natural heritage program as  
31 established under RCW 79.70.030.

32 ~~((10))~~ (11) "Register" means the Washington register of natural  
33 area preserves as established under RCW 79.70.030.

34 **Sec. 4.** RCW 79.70.080 and 2002 c 284 s 3 are each amended to read  
35 as follows:

36 (1) The council shall:

1 (a) Meet at least annually and more frequently at the request of  
2 the chairperson;

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

5 (c) Advise the department, the department of fish and wildlife, the  
6 state parks and recreation commission, and other state agencies  
7 managing state-owned land or natural resources regarding areas under  
8 their respective jurisdictions which are appropriate for natural area  
9 registration or dedication or that are appropriate for important bird  
10 area recognition;

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

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

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

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

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

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