
HOUSE BILL 2368

State of Washington 59th Legislature 2006 Regular Session

By Representatives B. Sullivan, Jarrett, Morris and Springer

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Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to the creation of a demonstration project to
2 facilitate better the conservation of natural resource lands; and
3 creating new sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that it is in the
6 best interest of the state to find innovative and economically
7 sustainable ways to protect the state's dwindling natural resource
8 lands from development or other conversion from working lands or
9 wildlife habitat.

10 (2) The legislature further finds that working natural resource and
11 wildlife habitat lands can be conserved through properly functioning
12 transfer of development rights programs. However, to be successful, a
13 transfer of development rights program must be established in a fashion
14 that facilitates an economically robust market in which development
15 credits from natural resource lands are in demand and can be traded
16 openly in a market.

17 (3) The legislature further finds that a number of geographically
18 limited demonstration projects should be established to create a
19 template for the protection of natural resources that can be emulated

1 by other areas within the state. These demonstration projects would
2 require technical and financial support from a state level that would
3 create and nourish the transfer of development rights programs both in
4 their infancy and as a source of ongoing support once the projects are
5 established. Finally, the demonstration projects should be designed in
6 such a way that there is capacity for private third-party entities to
7 facilitate the transfer of credits and ensure a robust market.

8 NEW SECTION. **Sec. 2.** (1) The department of community, trade, and
9 economic development, in consultation with the department of fish and
10 wildlife for the identification of valuable wildlife habitat, shall
11 provide support and funding for a minimum of two county-specific
12 transfer of development rights demonstration projects. These projects
13 must utilize a system to facilitate the trade of development credits
14 from valuable natural resource and habitat lands to areas of the county
15 more appropriate for residential or commercial development. Natural
16 resource lands from which development credits are taken must be forever
17 protected from additional future development.

18 (2) Projects established under this section must be under the
19 direction and administration of the county hosting the project.
20 However, the department of community, trade, and economic development
21 must provide initial funding and guidance along with ongoing financial
22 and technical assistance.

23 (3) The department of community, trade, and economic development
24 may only initiate a demonstration project within counties that are
25 willing hosts. The number of demonstration projects must be determined
26 by the amount of funding provided to the department of community,
27 trade, and economic development. However, at least two projects must
28 be initiated. The demonstration projects may be established in
29 counties without a similar program, or may provide funding and
30 assistance to a county with an existing but underutilized program. Due
31 to unique geographic conditions, existing land uses, and population
32 patterns, Kittitas and Snohomish counties must be given the first
33 option to host one of the demonstration projects.

34 (4) Funding provided by the department of community, trade, and
35 economic development may be used for direct financial support to host
36 counties and for securing private third-party organizations to
37 administer aspects of the credit trading program.

1 (5) The department of community, trade, and economic development
2 shall provide the appropriate committees of the legislature with a
3 status report by December 31, 2006. A final report must be provided to
4 the appropriate committees of the legislature no later than thirty-six
5 months after the initiation of the initial demonstration projects.
6 Both reports must be prepared in coordination with the host counties
7 and include any suggestions for improving either the demonstration
8 projects or the tools available to counties for the operation of their
9 own transfer of development rights programs.

10 NEW SECTION. **Sec. 3.** If specific funding for the purposes of this
11 act, referencing this act by bill or chapter number, is not provided by
12 June 30, 2006, in the omnibus appropriations act, this act is null and
13 void.

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