
SUBSTITUTE SENATE BILL 6562

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senator Swecker)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to critical areas safe harbor agreements; and
2 creating new sections.

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

4 NEW SECTION. **Sec. 1.** (1) The department of community, trade, and
5 economic development, in conjunction with the department of ecology and
6 the department of fish and wildlife, shall, by means of a pilot
7 project, study and develop implementation recommendations for an
8 alternative means that can be adopted in statute for cities and
9 counties to use in order to fulfill growth management act goals for
10 protection of critical areas. This alternative means shall be known as
11 a "safe harbor agreement." The pilot project shall identify scientific
12 and landscape planning methods for protecting critical areas,
13 nonregulatory mechanisms for achieving the protection to the maximum
14 extent those mechanisms may be used, additional regulatory mechanisms
15 that are needed, and the way that all of these methods and mechanisms
16 may be used for purposes of a safe harbor agreement, as provided in
17 subsection (2) of this section. The pilot project must be conducted on
18 a basin scale at one location in Kittitas county and one location
19 selected by the department of community, trade, and economic

1 development in either Thurston or Lewis county. The pilot project must
2 be completed and the results reported to the governor and the
3 legislature by December 1, 2008.

4 (2) The elements of a safe harbor agreement under this act include
5 the following:

6 (a) The safe harbor agreement must be developed collaboratively and
7 seek creative and locally appropriate solutions based on voluntary
8 participation in government programs that offer financial incentives or
9 other assistance and encourage voluntary legal commitments that protect
10 or enhance critical areas;

11 (b) Local stakeholders and property owners, including the
12 department of community, trade, and economic development, the
13 department of ecology, the department of fish and wildlife, and any
14 other federal, state, or tribal authorities with jurisdiction over
15 critical areas, must be invited to participate;

16 (c) Detailed components to be incorporated in a safe harbor
17 agreement include, at a minimum: (i) The goals it establishes, such as
18 the amount of miles or acres to be protected; (ii) information to
19 balance with growth management act goals and requirements in order to
20 achieve locally appropriate implementation; (iii) binding legal
21 commitments for voluntary projects or actions, such as buffers,
22 dedications, conservation easements, transfer of development rights,
23 management plans, best management practices, and adaptive management
24 strategies; (iv) state and local programs, such as clustering,
25 mitigation banking, monitoring, and public investments; (v) regulatory
26 requirements and permits; and (vi) state and federal agencies and
27 processes that are consulted; and

28 (d) Appropriate administrative procedures for implementation and
29 enforcement.

30 NEW SECTION. **Sec. 2.** If specific funding for the purposes of this
31 act, referencing this act by bill or chapter number, is not provided by
32 June 30, 2006, in the omnibus appropriations act, this act is null and
33 void.

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