

SSB 6227 - H COMM AMD
By Committee on Capital Budget

ADOPTED 03/02/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** In section 3163, chapter 3, Laws of 2015
4 3rd sp. sess., the legislature directed the recreation and
5 conservation office to review and make recommendations for changes to
6 the Washington wildlife and recreation program. The recreation and
7 conservation office conducted the review and this act details the
8 proposed recommendations for statutory revisions to chapter 79A.15
9 RCW that will promote habitat conservation, outdoor recreation,
10 working lands preservation, property rights, coordination between the
11 state and local governments, and ensure continued success of the
12 program for future generations.

13 **Sec. 2.** RCW 79A.15.010 and 2015 c 225 s 126 are each amended to
14 read as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "Acquisition" means the purchase on a willing seller basis of
18 fee or less than fee interests in real property. These interests
19 include, but are not limited to, options, rights of first refusal,
20 conservation easements, leases, and mineral rights.

21 (2) "Board" means the recreation and conservation funding board.

22 (3) "Critical habitat" means lands important for the protection,
23 management, or public enjoyment of certain wildlife species or groups
24 of species, including, but not limited to, wintering range for deer,
25 elk, and other species, waterfowl and upland bird habitat, fish
26 habitat, and habitat for endangered, threatened, or sensitive
27 species.

28 (4) "Farmlands" means any land defined as: (a) "Farm and
29 agricultural land" in RCW 84.34.020(2); and (b) "farm and
30 agricultural conservation land" in RCW 84.34.020(8).

1 (5) "Local agencies" means a city, county, town, federally
2 recognized Indian tribe, special purpose district, port district, or
3 other political subdivision of the state providing services to less
4 than the entire state.

5 (6) "Natural areas" means areas that have, to a significant
6 degree, retained their natural character and are important in
7 preserving rare or vanishing flora, fauna, geological, natural
8 historical, or similar features of scientific or educational value.

9 (7) "Nonprofit nature (~~(conservancy corporation or association)~~)
10 conservancies means ((~~an~~)) organizations as defined in RCW 84.34.250.

11 (8) "Riparian habitat" means land adjacent to water bodies, as
12 well as submerged land such as streambeds, which can provide
13 functional habitat for salmonids and other fish and wildlife species.
14 Riparian habitat includes, but is not limited to, shorelines and
15 near-shore marine habitat, estuaries, lakes, wetlands, streams, and
16 rivers.

17 (9) "Special needs populations" means physically restricted
18 people or people of limited means.

19 (10) "State agencies" means the state parks and recreation
20 commission, the department of natural resources, the department of
21 enterprise services, and the department of fish and wildlife.

22 (11) "Trails" means public ways constructed for and open to
23 pedestrians, equestrians, or bicyclists, or any combination thereof,
24 other than a sidewalk constructed as a part of a city street or
25 county road for exclusive use of pedestrians.

26 (12) "Urban wildlife habitat" means lands that provide habitat
27 important to wildlife in proximity to a metropolitan area.

28 (13) "Water access" means boat or foot access to marine waters,
29 lakes, rivers, or streams.

30 (14) "Confer" means a dialogue between project sponsors and local
31 county and city officials with the purpose of early review of
32 potential projects. The dialogue may include any matter relevant to a
33 particular project, which may include but need not be limited to:
34 Project purpose and scope; project elements; estimated project cost;
35 costs and benefits to the community; plans for project management and
36 maintenance; and public access.

37 (15) "Forest lands" means any land defined as "timberland" in RCW
38 84.34.020(3).

39 (16) "Multiple benefits" means recreational uses that are
40 compatible with habitat conservation or resources uses or management

1 practices that are compatible with and provide the ability to achieve
2 additional conservation benefits.

3 **Sec. 3.** RCW 79A.15.030 and 2015 c 183 s 1 are each amended to
4 read as follows:

5 (1) Moneys appropriated prior to July 1, 2016, for this chapter
6 shall be divided as follows:

7 (a) Appropriations for a biennium of forty million dollars or
8 less must be allocated equally between the habitat conservation
9 account and the outdoor recreation account.

10 (b) If appropriations for a biennium total more than forty
11 million dollars, the money must be allocated as follows: (i) Twenty
12 million dollars to the habitat conservation account and twenty
13 million dollars to the outdoor recreation account; (ii) any amount
14 over forty million dollars up to fifty million dollars shall be
15 allocated as follows: (A) Ten percent to the habitat conservation
16 account; (B) ten percent to the outdoor recreation account; (C) forty
17 percent to the riparian protection account; and (D) forty percent to
18 the farmlands preservation account; and (iii) any amounts over fifty
19 million dollars must be allocated as follows: (A) Thirty percent to
20 the habitat conservation account; (B) thirty percent to the outdoor
21 recreation account; (C) thirty percent to the riparian protection
22 account; and (D) ten percent to the farmlands preservation account.

23 ((~~Except as otherwise provided in chapter 303, Laws of~~
24 ~~2005,~~) Beginning July 1, 2016, moneys appropriated for this chapter
25 must be allocated as follows: (a) Forty-five percent to the habitat
26 conservation account; (b) forty-five percent to the outdoor
27 recreation account; and (c) ten percent to the farm and forest
28 account.

29 (3) Moneys deposited in these accounts shall be invested as
30 authorized for other state funds, and any earnings on them shall be
31 credited to the respective account.

32 ((~~3~~)) (4) All moneys deposited in the habitat conservation,
33 outdoor recreation, ((~~riparian protection, and farmlands~~
34 preservation)) and farm and forest accounts shall be allocated as
35 provided under RCW 79A.15.040, 79A.15.050, ((~~79A.15.120,~~)) and
36 79A.15.130 as grants to state or local agencies or nonprofit nature
37 ((~~conservancy organizations or associations~~)) conservancies for
38 acquisition, development, and renovation within the jurisdiction of
39 those agencies, subject to legislative appropriation. The board may

1 use or permit the use of any funds appropriated for this chapter as
2 matching funds where federal, local, or other funds are made
3 available for projects within the purposes of this chapter. Moneys
4 appropriated to these accounts that are not obligated to a specific
5 project may be used to fund projects from lists of alternate projects
6 from the same account in biennia succeeding the biennium in which the
7 moneys were originally appropriated.

8 ~~((4))~~ (5) Projects receiving grants ~~((under this chapter that
9 are developed or otherwise accessible for public recreational uses
10 shall be available to the public))~~ for development, recreational
11 access, or fee simple acquisition of land under this chapter must be
12 accessible for public recreation and outdoor education unless the
13 board specifically approves limiting public access in order to
14 protect sensitive species, water quality, or public safety.

15 ~~((5))~~ (6) The board may make grants to an eligible project from
16 the habitat conservation, outdoor recreation, ~~((riparian protection,
17 and farmlands preservation))~~ and farm and forest accounts and any one
18 or more of the applicable categories under such accounts described in
19 RCW 79A.15.040, 79A.15.050, ~~((79A.15.120,))~~ and 79A.15.130.

20 ~~((6))~~ (7) The board may accept private donations to the habitat
21 conservation account, the outdoor recreation account, ~~((the riparian
22 protection account,))~~ and the ~~((farmlands preservation))~~ farm and
23 forest account for the purposes specified in this chapter.

24 ~~((7))~~ (8) The board may retain a portion of the funds
25 appropriated for this chapter for its office for the administration
26 of the programs and purposes specified in this chapter. The portion
27 of the funds retained for administration may not exceed: (a) The
28 actual administration costs averaged over the previous five biennia
29 as a percentage of the legislature's new appropriation for this
30 chapter; or (b) the amount specified in the appropriation, if any.
31 Each biennium the percentage specified under (a) of this subsection
32 must be approved by the office of financial management and submitted
33 along with the prioritized lists of projects to be funded in RCW
34 79A.15.060~~((6))~~, 79A.15.070~~((7))~~, ~~((79A.15.120(10),))~~ and
35 79A.15.130~~((11))~~.

36 ~~((8))~~ (9) Habitat and recreation land and facilities acquired
37 or developed with moneys appropriated for this chapter may not,
38 without prior approval of the board, be converted to a use other than
39 that for which funds were originally approved. The board shall adopt
40 rules and procedures governing the approval of such a conversion.

1 **Sec. 4.** RCW 79A.15.040 and 2008 c 299 s 29 are each amended to
2 read as follows:

3 (1) Moneys appropriated for this chapter prior to July 1, 2016,
4 to the habitat conservation account shall be distributed in the
5 following way:

6 (a) Not less than forty percent through June 30, 2011, at which
7 time the amount shall become forty-five percent, for the acquisition
8 and development of critical habitat;

9 (b) Not less than thirty percent for the acquisition and
10 development of natural areas;

11 (c) Not less than twenty percent for the acquisition and
12 development of urban wildlife habitat; and

13 (d) Not less than ten percent through June 30, 2011, at which
14 time the amount shall become five percent, shall be used by the board
15 to fund restoration and enhancement projects on state lands. Only the
16 department of natural resources and the department of fish and
17 wildlife may apply for these funds to be used on existing habitat and
18 natural area lands.

19 (2) Moneys appropriated beginning July 1, 2016, for this chapter
20 to the habitat conservation account shall be distributed in the
21 following way:

22 (a) Not less than thirty-five percent for the acquisition and
23 development of critical habitat;

24 (b) Not less than twenty-five percent for the acquisition and
25 development of natural areas;

26 (c) Not less than fifteen percent for the acquisition or
27 enhancement or restoration of riparian habitat;

28 (d) Not less than fifteen percent for the acquisition and
29 development of urban wildlife habitat; and

30 (e) Not less than ten percent or three million dollars, whichever
31 is less, for the board to fund restoration and enhancement projects
32 on state lands. Any amount above three million dollars must be
33 distributed for the purposes of (c) of this subsection.

34 (3)(a) In distributing these funds, the board retains discretion
35 to meet the most pressing needs for critical habitat, natural areas,
36 riparian protection, and urban wildlife habitat, and is not required
37 to meet the percentages described in subsections (1) and (2) of this
38 section in any one biennium.

39 (b) If not enough project applications are submitted in a
40 category within the habitat conservation account to meet the

1 percentages described in subsections (1) and (2) of this section in
2 any biennium, the board retains discretion to distribute any
3 remaining funds to the other categories within the account.

4 ~~((3) Only)~~ (4) State agencies and nonprofit nature
5 conservancies may apply for acquisition and development funds for
6 natural areas projects under subsection (1)(b) of this section.

7 ~~((4))~~ (5) State and local agencies and nonprofit nature
8 conservancies may apply for acquisition and development funds for
9 critical habitat ~~((and))~~, urban wildlife habitat, and riparian
10 protection projects under ~~((subsection (1)(a) and (c) of))~~ this
11 section. Other state agencies not defined in RCW 79A.15.010, such as
12 the department of transportation and the department of corrections,
13 may enter into interagency agreements with state agencies to apply in
14 partnership for riparian protection funds under this section.

15 (6) The department of natural resources, the department of fish
16 and wildlife, and the state parks and recreation commission may apply
17 for restoration and enhancement funds to be used on existing state-
18 owned lands.

19 ~~((5))~~ (7)(a) Any lands that have been acquired with grants
20 under this section by the department of fish and wildlife are subject
21 to an amount in lieu of real property taxes and an additional amount
22 for control of noxious weeds as determined by RCW 77.12.203.

23 (b) Any lands that have been acquired with grants under this
24 section by the department of natural resources are subject to
25 payments in the amounts required under the provisions of RCW
26 79.70.130 and 79.71.130.

27 ~~((6))~~ (8) Except as otherwise conditioned by RCW 79A.15.140 or
28 79A.15.150, the board in its evaluating process shall consider the
29 following in determining distribution priority:

30 (a) Whether the entity applying for funding is a Puget Sound
31 partner, as defined in RCW 90.71.010;

32 (b) Effective one calendar year following the development and
33 statewide availability of model evergreen community management plans
34 and ordinances under RCW 35.105.050, whether the entity receiving
35 assistance has been recognized, and what gradation of recognition was
36 received, in the evergreen community recognition program created in
37 RCW 35.105.030; and

38 (c) Whether the project is referenced in the action agenda
39 developed by the Puget Sound partnership under RCW 90.71.310.

1 (~~(7)~~) (9) After January 1, 2010, any project designed to
2 address the restoration of Puget Sound may be funded under this
3 chapter only if the project is not in conflict with the action agenda
4 developed by the Puget Sound partnership under RCW 90.71.310.

5 **Sec. 5.** RCW 79A.15.050 and 2007 c 241 s 30 are each amended to
6 read as follows:

7 (1) Moneys appropriated prior to July 1, 2016, for this chapter
8 to the outdoor recreation account shall be distributed in the
9 following way:

10 (a) Not less than thirty percent to the state parks and
11 recreation commission for the acquisition and development of state
12 parks, with at least fifty percent of the money for acquisition
13 costs;

14 (b) Not less than thirty percent for the acquisition,
15 development, and renovation of local parks, with at least fifty
16 percent of this money for acquisition costs;

17 (c) Not less than twenty percent for the acquisition, renovation,
18 or development of trails;

19 (d) Not less than fifteen percent for the acquisition,
20 renovation, or development of water access sites, with at least
21 seventy-five percent of this money for acquisition costs; and

22 (e) Not less than five percent for development and renovation
23 projects on state recreation lands. Only the department of natural
24 resources and the department of fish and wildlife may apply for these
25 funds to be used on their existing recreation lands.

26 (2) Moneys appropriated beginning July 1, 2016, for this chapter
27 to the outdoor recreation account shall be distributed in the
28 following way:

29 (a) Not less than thirty percent to the state parks and
30 recreation commission for the acquisition and development of state
31 parks, with at least forty percent but no more than fifty percent of
32 the money for acquisition costs;

33 (b) Not less than thirty percent for the acquisition,
34 development, and renovation of local parks, with at least forty
35 percent but no more than fifty percent of this money for acquisition
36 costs;

37 (c) Not less than twenty percent for the acquisition, renovation,
38 or development of trails;

1 (d) Not less than ten percent for the acquisition, renovation, or
2 development of water access sites, with at least seventy-five percent
3 of this money for acquisition costs; and

4 (e) Not less than ten percent or three million dollars, whichever
5 is less, for development and renovation projects on state recreation
6 lands. Any amount above three million dollars must be distributed for
7 the purposes of (d) of this subsection.

8 (3)(a) In distributing these funds, the board retains discretion
9 to meet the most pressing needs for state and local parks, trails,
10 and water access sites, and is not required to meet the percentages
11 described in subsections (1) and (2) of this section in any one
12 biennium.

13 (b) If not enough project applications are submitted in a
14 category within the outdoor recreation account to meet the
15 percentages described in subsections (1) and (2) of this section in
16 any biennium, the board retains discretion to distribute any
17 remaining funds to the other categories within the account.

18 ~~((+3))~~ (4) Only the state parks and recreation commission may
19 apply for acquisition and development funds for state parks under
20 subsections (1)(a) and (2)(a) of this section.

21 (5) Only local agencies may apply for acquisition, development,
22 or renovation funds for local parks under subsections (1)(b) and
23 (2)(b) of this section.

24 ~~((+4))~~ (6) Only state and local agencies may apply for funds for
25 trails under subsections (1)(c) and (2)(c) of this section.

26 ~~((+5))~~ (7) Only state and local agencies may apply for funds for
27 water access sites under subsections (1)(d) and (2)(d) of this
28 section.

29 (8) Only the department of natural resources and the department
30 of fish and wildlife may apply for funds for development and
31 renovation projects on existing state recreation lands under
32 subsections (1)(e) and (2)(e) of this section.

33 **Sec. 6.** RCW 79A.15.060 and 2009 c 341 s 3 and 2009 c 16 s 1 are
34 each reenacted and amended to read as follows:

35 (1) The board may adopt rules establishing acquisition policies
36 and priorities for distributions from the habitat conservation
37 account.

38 (2) Except as provided in RCW 79A.15.030~~((+7))~~ (8), moneys
39 appropriated for this chapter may not be used by the board to fund

1 staff positions or other overhead expenses, or by a state, regional,
2 or local agency to fund operation or maintenance of areas acquired
3 under this chapter.

4 (3) Moneys appropriated for this chapter may be used by grant
5 recipients for costs incidental to acquisition, including, but not
6 limited to, surveying expenses, fencing, noxious weed control, and
7 signing.

8 (4) The board may not approve a local project where the local
9 agency share is less than the amount to be awarded from the habitat
10 conservation account.

11 (5) In determining acquisition priorities with respect to the
12 habitat conservation account, the board shall consider, at a minimum,
13 the following criteria:

14 (a) For critical habitat and natural areas proposals:

15 (i) Multiple benefits for the project;

16 (ii) Whether, and the extent to which, a conservation easement
17 can be used to meet the purposes for the project;

18 (iii) Community support for the project based on input from, but
19 not limited to, local citizens, local organizations, and local
20 elected officials;

21 ~~((ii))~~ (iv) The project proposal's ongoing stewardship program
22 that includes estimated costs of maintaining and operating the
23 project including, but not limited to, control of noxious weeds~~((τ))~~
24 and detrimental invasive species, and that identifies the source of
25 the funds from which the stewardship program will be funded;

26 ~~((iii))~~ (v) Recommendations as part of a watershed plan or
27 habitat conservation plan, or a coordinated regionwide prioritization
28 effort, and for projects primarily intended to benefit salmon,
29 limiting factors, or critical pathways analysis;

30 ~~((iv))~~ (vi) Immediacy of threat to the site;

31 ~~((v))~~ (vii) Uniqueness of the site;

32 ~~((vi))~~ (viii) Diversity of species using the site;

33 ~~((vii))~~ (ix) Quality of the habitat;

34 ~~((viii))~~ (x) Long-term viability of the site;

35 ~~((ix))~~ (xi) Presence of endangered, threatened, or sensitive
36 species;

37 ~~((x))~~ (xii) Enhancement of existing public property;

38 ~~((xi))~~ (xiii) Consistency with a local land use plan, or a
39 regional or statewide recreational or resource plan, including
40 projects that assist in the implementation of local shoreline master

1 plans updated according to RCW 90.58.080 or local comprehensive plans
2 updated according to RCW 36.70A.130;

3 ~~((xii))~~ (xiv) Educational and scientific value of the site;

4 ~~((xiii))~~ (xv) Integration with recovery efforts for endangered,
5 threatened, or sensitive species;

6 ~~((xiv) For critical habitat proposals by local agencies,)~~ (xvi)
7 The statewide significance of the site.

8 (b) For urban wildlife habitat proposals, in addition to the
9 criteria of (a) of this subsection:

10 (i) Population of, and distance from, the nearest urban area;

11 (ii) Proximity to other wildlife habitat;

12 (iii) Potential for public use; and

13 (iv) Potential for use by special needs populations.

14 (c) For riparian protection proposals, the board must consider,
15 at a minimum, the following criteria:

16 (i) Whether the project continues the conservation reserve
17 enhancement program. Applications that extend the duration of leases
18 of riparian areas that are currently enrolled in the conservation
19 reserve enhancement program are eligible. These applications are
20 eligible for a conservation lease extension of at least twenty-five
21 years of duration;

22 (ii) Whether the projects are identified or recommended in a
23 watershed plan, salmon recovery plan, or other local plans, such as
24 habitat conservation plans, and these must be highly considered in
25 the process;

26 (iii) Whether there is community support for the project;

27 (iv) Whether the proposal includes an ongoing stewardship program
28 that includes control of noxious weeds, detrimental invasive species,
29 and that identifies the source of the funds from which the
30 stewardship program will be funded;

31 (v) Whether there is an immediate threat to the site;

32 (vi) Whether the quality of the habitat is improved or, for
33 projects including restoration or enhancement, the potential for
34 restoring quality habitat including linkage of the site to other high
35 quality habitat;

36 (vii) Whether the project is consistent with a local land use
37 plan or a regional or statewide recreational or resource plan. The
38 projects that assist in the implementation of local shoreline master
39 plans updated according to RCW 90.58.080 or local comprehensive plans

1 updated according to RCW 36.70A.130 must be highly considered in the
2 process;

3 (viii) Whether the site has educational or scientific value; and
4 (ix) Whether the site has passive recreational values for walking
5 trails, wildlife viewing, the observation of natural settings, or
6 other multiple benefits.

7 (d) Moneys appropriated for this chapter to riparian protection
8 projects must be distributed for the acquisition or enhancement or
9 restoration of riparian habitat. All enhancement or restoration
10 projects, except those qualifying under (c)(i) of this subsection,
11 must include the acquisition of a real property interest in order to
12 be eligible.

13 (6) Before November 1st of each even-numbered year, the board
14 shall recommend to the governor a prioritized list of all (~~state~~
15 ~~agency and local~~) projects to be funded under RCW 79A.15.040(~~(1)~~
16 ~~(a), (b), and (c)~~). The governor may remove projects from the list
17 recommended by the board and shall submit this amended list in the
18 capital budget request to the legislature. The list shall include,
19 but not be limited to, a description of each project and any
20 particular match requirement, and describe for each project any
21 anticipated restrictions upon recreational activities allowed prior
22 to the project.

23 **Sec. 7.** RCW 79A.15.070 and 2007 c 241 s 33 are each amended to
24 read as follows:

25 (1) In determining which state parks proposals and local parks
26 proposals to fund, the board shall use existing policies and
27 priorities.

28 (2) Except as provided in RCW 79A.15.030(~~(7)~~) (8), moneys
29 appropriated for this chapter may not be used by the board to fund
30 staff or other overhead expenses, or by a state, regional, or local
31 agency to fund operation or maintenance of areas acquired under this
32 chapter.

33 (3) Moneys appropriated for this chapter may be used by grant
34 recipients for costs incidental to acquisition and development,
35 including, but not limited to, surveying expenses, fencing, and
36 signing.

37 (4) The board may not approve a project of a local agency where
38 the share contributed by the local agency is less than the amount to
39 be awarded from the outdoor recreation account. The local agency's

1 share may be reduced or waived if the project meets the needs of an
2 underserved population or a community in need, as defined by the
3 board.

4 (5) The board may adopt rules establishing acquisition policies
5 and priorities for the acquisition and development of trails and
6 water access sites to be financed from moneys in the outdoor
7 recreation account.

8 (6) In determining the acquisition and development priorities,
9 the board shall consider, at a minimum, the following criteria:

10 (a) For trails proposals:

11 (i) Community support for the project;

12 (ii) Immediacy of threat to the site;

13 (iii) Linkage between communities;

14 (iv) Linkage between trails;

15 (v) Existing or potential usage;

16 (vi) Consistency with a local land use plan, or a regional or
17 statewide recreational or resource plan, including projects that
18 assist in the implementation of local shoreline master plans updated
19 according to RCW 90.58.080 or local comprehensive plans updated
20 according to RCW 36.70A.130;

21 (vii) Availability of water access or views;

22 (viii) Enhancement of wildlife habitat; and

23 (ix) Scenic values of the site.

24 (b) For water access proposals:

25 (i) Community support for the project;

26 (ii) Distance from similar water access opportunities;

27 (iii) Immediacy of threat to the site;

28 (iv) Diversity of possible recreational uses;

29 (v) Public demand in the area; and

30 (vi) Consistency with a local land use plan, or a regional or
31 statewide recreational or resource plan, including projects that
32 assist in the implementation of local shoreline master plans updated
33 according to RCW 90.58.080 or local comprehensive plans updated
34 according to RCW 36.70A.130.

35 (7) Before November 1st of each even-numbered year, the board
36 shall recommend to the governor a prioritized list of all (~~state~~
37 ~~agency and local~~) projects to be funded under RCW 79A.15.050(~~(1)~~
38 ~~(a), (b), (c), and (d)~~). The governor may remove projects from the
39 list recommended by the board and shall submit this amended list in
40 the capital budget request to the legislature. The list shall

1 include, but not be limited to, a description of each project and any
2 particular match requirement, and describe for each project any
3 anticipated restrictions upon recreational activities allowed prior
4 to the project.

5 **Sec. 8.** RCW 79A.15.080 and 2007 c 241 s 34 are each amended to
6 read as follows:

7 The board shall not sign contracts or otherwise financially
8 obligate funds from the habitat conservation account, the outdoor
9 recreation account, (~~the riparian protection account,~~) or the
10 (~~farmlands preservation~~) farm and forest account as provided in
11 this chapter before the legislature has appropriated funds for a
12 specific list of projects. The legislature may remove projects from
13 the list recommended by the governor.

14 **Sec. 9.** RCW 79A.15.110 and 2007 c 241 s 36 are each amended to
15 read as follows:

16 ((A)) State or local ((agency)) agencies or nonprofit nature
17 conservancies shall review the proposed project application and
18 confer with the county or city with jurisdiction over the project
19 area prior to applying for funds for the acquisition of property
20 under this chapter. The appropriate county or city legislative
21 authority may, at its discretion, submit a letter to the board
22 identifying the authority's position with regard to the acquisition
23 project. The board shall make the letters received under this section
24 available to the governor and the legislature when the prioritized
25 project list is submitted under (~~RCW 79A.15.120, 79A.15.060, and~~
26 ~~79A.15.070~~) this chapter.

27 **Sec. 10.** RCW 79A.15.130 and 2009 c 341 s 5 are each amended to
28 read as follows:

29 (1) The (~~farmlands preservation~~) farm and forest account is
30 established in the state treasury. The board will administer the
31 account in accordance with chapter 79A.25 RCW and this chapter, and
32 hold it separate and apart from all other money, funds, and accounts
33 of the board. Moneys appropriated for this chapter to the (~~farmlands~~
34 ~~preservation~~) farm and forest account must be distributed for the
35 acquisition and preservation of farmlands and forest lands in order
36 to maintain the opportunity for agricultural and forest management
37 activity upon these lands.

1 ~~(2)((a) Moneys appropriated for this chapter to the farmlands~~
2 ~~preservation account may be distributed for (i) the fee simple or~~
3 ~~less than fee simple acquisition of farmlands; (ii) the enhancement~~
4 ~~or restoration of ecological functions on those properties; or (iii)~~
5 ~~both)) Moneys appropriated beginning July 1, 2016, for this chapter~~
6 ~~shall be divided as follows:~~

7 (a) Not less than ninety percent for the acquisition and
8 preservation of farmlands.

9 (b) Not less than ten percent for the acquisition and
10 preservation of forest lands.

11 (3) Moneys appropriated for this chapter to the farm and forest
12 account may be distributed for: (a) The acquisition of a less than
13 fee simple interest in farmlands or forest land, such as a
14 conservation easement or lease; (b) the enhancement or restoration of
15 ecological functions on those properties; or (c) both. In order for a
16 farmland or forest land preservation grant to provide for an
17 environmental enhancement or restoration project, the project must
18 include the acquisition of a real property interest.

19 ~~((b) If a city, county, nonprofit nature conservancy~~
20 ~~organization or association, or the conservation commission acquires~~
21 ~~a property through this program in fee simple, the city, county,~~
22 ~~nonprofit nature conservancy organization or association, or the~~
23 ~~conservation commission shall endeavor to secure preservation of the~~
24 ~~property through placing a conservation easement, or other form of~~
25 ~~deed restriction, on the property which dedicates the land to~~
26 ~~agricultural use and retains one or more property rights in~~
27 ~~perpetuity. Once an easement or other form of deed restriction is~~
28 ~~placed on the property, the city, county, nonprofit nature~~
29 ~~conservancy organization or association, or the conservation~~
30 ~~commission shall seek to sell the property, at fair market value, to~~
31 ~~a person or persons who will maintain the property in agricultural~~
32 ~~production. Any moneys from the sale of the property shall either be~~
33 ~~used to purchase interests in additional properties which meet the~~
34 ~~criteria in subsection (9) of this section, or to repay the grant~~
35 ~~from the state which was originally used to purchase the property.~~

36 ~~(3))~~ (4) Cities, counties, nonprofit nature ((conservancy
37 organizations or associations)) conservancies, and the conservation
38 commission may apply for acquisition and enhancement or restoration
39 funds for farmland or forest land preservation projects within their
40 jurisdictions under subsection (1) of this section.

1 ~~((4))~~ (5) The board may adopt rules establishing acquisition
2 and enhancement or restoration policies and priorities for
3 distributions from the ~~((farmlands preservation))~~ farm and forest
4 account.

5 ~~((5))~~ (6) The acquisition of a property ~~((right))~~ interest in a
6 project under this section ~~((by a county, city, nonprofit nature~~
7 ~~conservancy organization or association, or the conservation~~
8 ~~commission))~~ does not provide a right of access to the property by
9 the public unless explicitly provided for in a conservation easement
10 or other form of deed restriction.

11 ~~((6))~~ (7) Except as provided in RCW 79A.15.030~~((7))~~ (8),
12 moneys appropriated for this section may not be used by the board to
13 fund staff positions or other overhead expenses, or by ~~((a city,~~
14 ~~county, nonprofit nature conservancy organization or association))~~
15 cities, counties, nonprofit nature conservancies, or the conservation
16 commission to fund operation or maintenance of areas acquired under
17 this chapter.

18 ~~((7))~~ (8) Moneys appropriated for this section may be used by
19 grant recipients for costs incidental to restoration and acquisition,
20 including, but not limited to, surveying expenses, fencing, noxious
21 weed control, and signing.

22 ~~((8))~~ (9) The board may not approve a local project where the
23 local agency's or nonprofit nature ~~((conservancy organization's or~~
24 ~~association's))~~ conservancies' share is less than the amount to be
25 awarded from the ~~((farmlands preservation))~~ farm and forest account.
26 In-kind contributions, including contributions of a real property
27 interest in land, may be used to satisfy the local agency's or
28 nonprofit nature ~~((conservancy organization's or association's))~~
29 conservancies' share.

30 ~~((9))~~ (10) In determining the acquisition priorities for
31 farmland projects, the board must consider, at a minimum, the
32 following criteria:

33 (a) Community support for the project;

34 (b) A recommendation as part of a limiting factors or critical
35 pathways analysis, a watershed plan or habitat conservation plan, or
36 a coordinated regionwide prioritization effort;

37 (c) The likelihood of the conversion of the site to
38 nonagricultural or more highly developed usage;

39 (d) Consistency with a local land use plan, or a regional or
40 statewide recreational or resource plan. The projects that assist in

1 the implementation of local shoreline master plans updated according
2 to RCW 90.58.080 or local comprehensive plans updated according to
3 RCW 36.70A.130 must be highly considered in the process;

4 (e) Benefits to salmonids;

5 (f) Benefits to other fish and wildlife habitat;

6 (g) Integration with recovery efforts for endangered, threatened,
7 or sensitive species;

8 (h) The viability of the site for continued agricultural
9 production, including, but not limited to:

10 (i) Soil types;

11 (ii) On-site production and support facilities such as barns,
12 irrigation systems, crop processing and storage facilities, wells,
13 housing, livestock sheds, and other farming infrastructure;

14 (iii) Suitability for producing different types or varieties of
15 crops;

16 (iv) Farm-to-market access;

17 (v) Water availability; and

18 (i) Other community values provided by the property when used as
19 agricultural land, including, but not limited to:

20 (i) Viewshed;

21 (ii) Aquifer recharge;

22 (iii) Occasional or periodic collector for storm water runoff;

23 (iv) Agricultural sector job creation;

24 (v) Migratory bird habitat and forage area; and

25 (vi) Educational and curriculum potential.

26 (~~((10))~~) (11) In allotting funds for environmental enhancement or
27 restoration projects, the board will require the projects to meet the
28 following criteria:

29 (a) Enhancement or restoration projects must further the
30 ecological functions of the farmlands;

31 (b) The projects, such as fencing, bridging watercourses,
32 replanting native vegetation, replacing culverts, clearing of
33 waterways, etc., must be less than fifty percent of the acquisition
34 cost of the project including any in-kind contribution by any party;

35 (c) The projects should be based on accepted methods of achieving
36 beneficial enhancement or restoration results; and

37 (d) The projects should enhance the viability of the preserved
38 farmland to provide agricultural production while conforming to any
39 legal requirements for habitat protection.

1 ~~((11))~~ (12) In determining the acquisition priorities for
2 forest land projects, the board must consider, at a minimum, the
3 following criteria:

4 (a) Community support for the project;

5 (b) A recommendation as part of a limiting factors or critical
6 pathways analysis, a watershed plan or habitat conservation plan, or
7 a coordinated regionwide prioritization effort;

8 (c) The likelihood of conversion of the site to nontimber or more
9 highly developed use;

10 (d) Consistency with a local land use plan, or a regional or
11 statewide recreational or resource plan. The projects that assist in
12 the implementation of local shoreline master plans updated according
13 to RCW 90.58.080 or local comprehensive plans updated according to
14 RCW 36.70A.130 must be highly considered in the process;

15 (e) Multiple benefits of the project;

16 (f) Project attributes, including but not limited to:

17 (i) Clean air and water;

18 (ii) Storm water management;

19 (iii) Wildlife habitat; and

20 (iv) Potential for carbon sequestration.

21 (13) In allotting funds for environmental enhancement or
22 restoration projects, the board must require the projects to meet the
23 following criteria:

24 (a) Enhancement or restoration projects must further the
25 ecological functions of the forest lands;

26 (b) The projects, such as fencing, bridging watercourses,
27 replanting native vegetation, replacing culverts, etc., must be less
28 than fifty percent of the acquisition cost of the project including
29 any in-kind contribution by any party;

30 (c) The projects should be based on accepted methods of achieving
31 beneficial enhancement or restoration results;

32 (d) The projects should enhance the viability of the preserved
33 forest land to provide timber production while conforming to any
34 legal requirements for habitat protection.

35 (14) Before November 1st of each even-numbered year, the board
36 will recommend to the governor a prioritized list of all projects to
37 be funded under this section. The governor may remove projects from
38 the list recommended by the board and must submit this amended list
39 in the capital budget request to the legislature. The list must

1 include, but not be limited to, a description of each project and any
2 particular match requirement.

3 NEW SECTION. **Sec. 11.** The allocations in sections 3, 4, and 5
4 of this act apply to the prioritized list of all projects submitted
5 by November 1, 2016. The eligibility provisions in sections 4 and 5
6 of this act for nonprofit nature conservancies, as defined in RCW
7 84.34.250, and eligibility provisions in section 10 of this act are
8 effective for projects submitted in 2016. The recreation and
9 conservation funding board shall provide a prioritized list of
10 projects to be funded under RCW 79A.15.130(2)(b) by November 1, 2017.
11 All other provisions of this act apply to subsequent grant cycles.

12 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of
14 the state government and its existing public institutions, and takes
15 effect immediately."

16 Correct the title.

EFFECT: Makes technical corrections. Requires that the recreational and conservation funding board (board), in determining priorities with respect to the habitat conservation account, include maintenance and operating costs of stewardship programs and conservation easement project proposals that meet the purposes of the project. Provides more detail in the meaning of "community support" as a criterion for critical habitat and natural areas proposals. Removes the section that repeals the riparian protection account. Requires the board to prioritize projects for consideration in the 2015-2017 capital budget per the new allocation formulas. Allows nonprofit nature conservancies, new to certain categories within the Washington wildlife and recreation program, to apply for projects to be considered by the board for the prioritized lists. Gives the board until November 2017 to implement and develop the newly created program for forest lands. Requires full implementation beginning in the 2019-2021 capital budget cycle.

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