
SENATE BILL 5103

State of Washington

66th Legislature

2019 Regular Session

By Senator Sheldon

Prefiled 01/08/19.

1 AN ACT Relating to establishing natural areas; and amending RCW
2 79.71.040 and 79.70.030.

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

4 **Sec. 1.** RCW 79.71.040 and 1987 c 472 s 4 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (2) of this section, the
7 department is authorized to acquire property or less than fee
8 interests in property, as defined by RCW 64.04.130, by all means,
9 except eminent domain, for creating natural resources conservation
10 areas, where acquisition is the best way to achieve the purposes of
11 this chapter. Areas acquired or assembled by the department for
12 conservation purposes will be designated as "Washington natural
13 resources conservation areas."

14 (2) Before November 1st of each even-numbered year, the
15 department shall recommend to the governor a prioritized list of all
16 property acquisitions for the purpose of creating Washington natural
17 resources conservation areas. The governor may remove projects from
18 the list recommended by the department and shall submit this amended
19 list in the capital budget request to the legislature. The department
20 may not sign contracts or otherwise financially obligate funds for
21 the acquisition or assembly of areas for designation as Washington

1 natural resources conservation areas before the legislature has
2 appropriated funds for a specific list of projects under this
3 section.

4 **Sec. 2.** RCW 79.70.030 and 2003 c 334 s 549 are each amended to
5 read 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 the criteria for selection, acquisition,
10 management, protection, and use of such natural areas, including:

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

15 (b) Developing a management plan for each designated natural area
16 preserve. The plan must identify the significant resources to be
17 conserved consistent with the purposes of this chapter and identify
18 the areas with potential for low-impact public and environmental
19 educational uses. The plan must specify the types of management
20 activities and public uses that are permitted, consistent with the
21 purposes of this chapter. The department must make the plans
22 available for review and comment by the public, and state, tribal,
23 and local agencies, prior to final approval;

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

27 (3) (a) Except as provided in (b) of this subsection, consistent
28 with the plan, acquire by gift, devise, purchase, grant, dedication,
29 or means other than eminent domain, the fee or any lesser right or
30 interest in real property which shall be held and managed as a
31 natural area;

32 (b) Before November 1st of each even-numbered year, the
33 department shall recommend to the governor a prioritized list of all
34 property acquisitions for the purpose of creating a Washington
35 natural area preserve. The governor may remove projects from the list
36 recommended by the department and shall submit this amended list in
37 the capital budget request to the legislature. The department may not
38 sign contracts or otherwise financially obligate funds for the
39 acquisition or assembly of areas for designation as Washington

1 natural area preserves before the legislature has appropriated funds
2 for a specific list of projects under this section;

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

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

9 (6) Maintain a natural heritage program to provide assistance in
10 the selection and nomination of areas containing natural heritage
11 resources for registration or dedication. The program shall maintain
12 a classification of natural heritage resources, an inventory of their
13 locations, and a data bank for such information. The department shall
14 cooperate with the department of fish and wildlife in the selection
15 and nomination of areas from the data bank that relate to critical
16 wildlife habitats. Information from the data bank shall be made
17 available to public and private agencies and individuals for
18 environmental assessment and proprietary land management purposes.
19 Usage of the classification, inventory, or data bank of natural
20 heritage resources for any purpose inconsistent with the natural
21 heritage program is not authorized;

22 (7) Prepare a natural heritage plan which shall govern the
23 natural heritage program in the conduct of activities to create and
24 manage a system of natural areas that includes natural resources
25 conservation areas, and may include areas designated under the
26 research natural area program on federal lands in the state;

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

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

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

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

14 (a) The department shall adopt rules as authorized by RCW
15 43.12.065 and 79.70.030(1) and chapter 34.05 RCW relating to
16 voluntary natural area registration.

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

19 (c) The responsibility for management of registered natural area
20 preserves shall be with the preserve owner. A voluntary management
21 agreement may be developed between the department and the owners of
22 the sites on the register.

23 (d) Any public agency may register lands under provisions of this
24 chapter.

--- END ---