Minutes of the Natural Heritage Advisory Council Meeting
October 21, 2009
Natural Resources Building
1111 11th Street
Olympia, Washington
10:00 a.m. – 3:30 p.m.

Voting members present: Alan Black, Peter Dunwiddie, Janelle Downs, Cherie Kearney, Bob Meier,
By phone: Cheryl Schultz, Wade Troutman.
Ex-Officio members present: Elizabeth Rodrick (Washington Department of Fish and Wildlife), Jim Eychaner (Recreation and Conservation Office), and Rob Fimbel (State Parks and Recreation Commission), Jeanne Koenings (Department of Ecology)
DNR staff present: Pene Speaks, John Gamon, Curt Pavola, Kelly Heintz, Craig Calhoon
Guest speaker: Kaleen Cottingham, Director, Recreation and Conservation Office

I. Introductions

Chair Black called the meeting to order. All present introduced themselves.

II. Minutes of the June 10, 2009, Meeting of the Council

Corrections were made to the progress on past recommendations: In first sentence after "Woodard Bay NRCA" remove "in fee" regarding tidelands ownership.

Chair Black called for a motion regarding the Minutes of the previous meeting. Dunwiddie moved, Downs seconded that the Minutes of the June 10, 2009, Meeting of the Natural Heritage Advisory Council be approved as amended. The motion passed unanimously.

III. Old Business

Progress on Past Recommendations: Acquisitions Report

Calhoon presented the Council with power point slides to illustrate the acquisitions update (report attached).

Stavis Natural Resources Conservation Area (NRCA) – Calhoon reported that the department acquired the Marcinko property, 7.5 acres, using Washington Wildlife and Recreation Program grant funds. A question arose about why the proposed NRCA boundary did no t include Stavis Bay. There was some discussion of other protections for the shoreline of the bay. The council members suggested considering an expansion of the boundary in the future to include the tidelands in this area.

Cypress Island NRCA – The department recently purchased the Merzbacher/Richter property, 6 acres of tidelands (1700 lineal feet), in the south of the island using Washington Wildlife and Recreation Program grant funds.

Memo to Commissioner Goldmark

Chair Black lead a discussion of a memo (attached) to Commissioner Goldmark regarding the importance of the Natural Areas and Natural Heritage Programs and to voice support for adequate funding for the programs. There was a discussion about whether the memo should be

sent to the chairs of the legislative natural resources committees or a paragraph added to indicate a willingness on the Council's part to communicate with the appropriate legislative committees. Black asked for approval of the memo to be revised and sent. Speaks will route the final version to the Council.

Dunwiddie moved that the memo be approved with the indicated revisions and sent to the Commissioner; seconded by Downs. The motion passed unanimously.

Role of Natural Area System in Statewide Conservation

This topic was deferred until a future meeting and staff will follow plan discussed at June 2009 meeting to develop discussion points and information.

IV. New Business

Natural Area Registry Program

Gamon gave an overview of the natural area registry program established in RCW 79.70. 080. He reviewed the Council's role in indentifying sites for registry and the benefits and responsibilities for potential landowners wanting to register their land. The Council has approved 80 to 90 sites in the past. The Nature Conservancy (TNC), Washington Field Office, has kept the records for the program in the past. The registry program is not active at present and staff is unsure of the status of the previously dedicated sites or the records of the sites. The Natural Heritage Program has been approached by the Lummi Island Preservation Trust about the potential for registry recognition for a parcel of land.

Gamon showed two examples of past sites that were in the registry program. One site was registered instead of being designated as a natural area preserve. The Council expressed interest in re-establishing the program, though some concern was expressed about staff capacity at the present time. Council members recommended:

- Review of past sites , including an evaluation of the success of registration
- Moving quickly to get information from TNC while files might still be located
- Coordinating with the Biodiversity Council to see how registry might fit with other landowner incentive programs it is proposing
- Reviewing similar programs in other states to evaluate the success of the program at the national level.

There was some discussion about how to make the program more attractive to landowners and whether other benefits, such as tax credits, recognition in "green" certification programs or extra points in grant programs, could be added. Gamon suggested the process needs to include scientific rigor since registry sites are included in the Natural Heritage Plan as providing some protection to Natural Heritage features. The Council indicated a desire to pursue revitalizing the program and some discussion ensued about how sites might be reviewed for approval by the Council. Gamon will report back about progress at the January meeting.

Conversion of Natural Areas

Pavola and Calhoon presented information (see attachment) about developing policy and guidance regarding the conversion or disposal of natural areas managed by the department. They expressed concern that the program/department did not have any policies about when or how a

natural area or land within a natural area could be considered for other uses. The NAP statute states that land in natural areas "…shall not be alienated except to another public use upon a finding by the department of natural resources of imperative and unavoidable public necessity" (79.70.060 RCW). There was much discussion of the need for guidance that would provide safeguards and some flexibility; what "unavoidable" might be defined as; potential mitigation requirements should the necessity arise; need for a process and valuation criteria. Members suggested that principles should include the idea that replacement value should equal conservation value, not just land value. The Council also directed staff not to consider management convenience or difficulty as a potential criterion (Pinecroft NAP example). The Council suggested research on the topic could be done as a conservation policy college class project. Pavola said he would look into that.

Natural Resource Agency Reform

Kaleen Cottingham, Director of the Recreation and Conservation Office, presented information about the Governor's proposal to reorganize Washington State natural resources agencies. She reviewed the potential ideas that were developed by a group consisting of agency heads and others. These ideas address four categories of potential reorganization: Structural - combining existing agencies into fewer number; Sharing services - considering consolidating GIS data management, enforcement services; Streamlining permitting – combining permits and review processes; Consolidation of judicial – consolidating appeal bodies like the Shorelines Hearing and Growth Management Boards. The ideas are in the review process for public comment. More than 500 comments have been received so far. The public review period is open through October 28, 2009. There were questions about how the options might affect the Natural Heritage and Natural Areas Programs and what the next steps in the process are. Cottingham indicated that the Governor could make changes through Executive Order; that any change costing money would have to be addressed in a supplemental budget request; that the immediate outcome may be a direction for more study by a special panel.

The Council had a discussion about adding some comments about the reorganization in the memo (discussed above) to the Commissioner. Black indicated he would be most comfortable leaving the memo as approved. The Council discussed drafting a separate memo addressing concerns about the reorganization ideas or letting individual members comment on their own. Speaks will send information regarding the structural change ideas and website links to the Council for their review.

NHAC Future Meeting Dates

The dates were set for future Council meetings in 2010:

January 27
March 10
June 9, 10, 11 (two of those three)
October 20

A suggestion was made to use the "Doodle" service to set the dates in the future.

V. Agency Reports

Recreation and Conservation Office

Eychaner reported that Jim Fox, the Office's policy director and legislative liaison, has retired. Steve McLellan has been hired to take his place. He explained the funding level for the Washington Wildlife and Recreation Program (WWRP) is $70 million. The Conservation Commission and private conservation organizations may now apply for funds in the Riparian Protection and Farm Land Preservation categories in the program. Aquatic Lands Enhancement Account (ALEA) will have $6 million to $7 million grant round this time. The Recreation and Conservation Funding Board is considering a sustainability initiative and has asked staff to research options. This may result in changes to the grant programs the Board administers.

Department of Ecology

Koenings reported that there were nine National Coastal Wetland Conservation grant projects submitted to the US Fish and Wildlife Service with $9 million at stake for the state. DOE is redoing its wetland guide so it will be "web friendly" and easier to use. There are five candidates for the position of agency director being considered. The Governor will make the final decision.

State Parks and Recreation Commission

Fimbel reported that the former opt in – now opt out – license tab fee of $5.00 for State Parks has added more than expected to their available funds. The estimate of about fifty percent of those applying for license tabs not opting out appears to be higher than that. There is concern about the NOVA funds now filling a budget hole not being available in the future. The agency is identifying potential sites for disposal in an effort to raise funds.

Department of Fish and Wildlife

Rodrick reported that the WDFW now has a new Director, Phil Anderson. He has stated that he wants the agency to be seen as a "conservation" agency. DFW is looking at another $10 million funding cut because of the state budget deficit. The Diversity Program is depending on dedicated funds from car license sales to help and they are hoping for an increase in federal funds.

Department of Natural Resources

Speaks reported that the department is considering what the potential funding cuts might be required in the supplemental state budget. The department is developing a Strategic Plan to set agency direction for the next five years.

VI. Natural Areas

Pavola reported on the 2009 Natural Areas Conference held in Vancouver, WA in September. The conference was a success though attendance was lower than hoped for. He reported that the attendees came primarily from Washington (96) and Oregon (50) with Illinois (31) having the next highest number of people. Other states represented by several people were Michigan, Florida, Colorado, Missouri, Montana, Wisconsin and Arkansas. The conference will be held in Missouri next year.

VII. Natural Heritage Program Update

(attachment)

The meeting was adjourned at approximately 3:45 p.m.