

# SENATE BILL REPORT

## SJM 8001

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As Passed Senate, March 3, 2009

**Brief Description:** Requesting the United States fish and wildlife service to work cooperatively with the state's regulatory agencies and energy producers with respect to the federal endangered species act.

**Sponsors:** Senators Hatfield and Haugen.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 1/19/09, 1/29/09 [DP].  
Passed Senate: 3/03/09, 48-0.

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hatfield, Stevens and Swecker.

**Staff:** Curt Gavigan (786-7437)

**Background:** Renewable Energy Requirements. In 2006 the voters of Washington passed Initiative 937 (Initiative). The Initiative sets targets for energy conservation and the use of eligible renewable resources by the state's utilities that serve more than 25,000 customers. The Initiative defines "eligible renewable resource" to include resources such as wind, solar energy, and certain biomass energy. The term "eligible renewable resource" also includes incremental electricity produced from efficiency improvements completed after March 31, 1999, to hydroelectric dams.

Greenhouse Gas Emission Reduction. In 2007 the Legislature adopted the following goals for green house gas (GHG) emissions reduction:

- by 2020, reduce GHG emissions to 1990 levels;
- by 2035, reduce GHG emissions to 25 percent below 1990 levels; and
- by 2050, reduce GHG emissions to 50 percent below 1990 levels, or 70 percent below the state's expected GHG emissions that year.

Federal Endangered Species Act. Congress passed the federal Endangered Species Act (ESA) in 1973, which provides protection for threatened and endangered species. An endangered species is a species in danger of extinction throughout all or part of its historic range. A

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threatened species is a species likely to become endangered within the foreseeable future. The ESA generally prohibits take of protected species, which includes harassing, harming, or killing such species. The United State Fish and Wildlife Service (USFWS) has primary responsibility for ESA administration with regards to threatened and endangered wildlife.

**Summary of Bill:** The Senate Joint Memorial requests that:

- the USFWS work cooperatively with state regulatory agencies and energy producers to resolve issues raised by the ESA; and
- USFWS, state agencies, and energy producers resolve such issues in a manner that allows the continued development of Washington's wind and other alternative energy resources while at the same time protecting threatened and endangered wildlife.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Staff Summary of Public Testimony:** PRO: This bill arose out of a wind power proposal for Radar Ridge in Pacific County, which has faced challenges due to marbled murrelet issues. Although the relevant agencies have begun to work with the wind power proponent, it took a great deal of effort to get everyone working together. With the goals Washington has set for itself regarding alternative energy and decreased Greenhouse gas emissions, it is important to work together to make good alternative energy projects come to fruition.

OTHER: Washington has worked to develop wind power guidelines, and works with energy producers and other stakeholders to make the process collaborative. Instead of a memorial to the federal government, there should be legislation to begin these discussions at the federal level through a work group or summit. This is a bigger issue than just endangered species, since a thoughtful wind power development process is currently lacking. Designing such a process could be the focus of such a work group or summit.

**Persons Testifying:** PRO: Senator Hatfield, prime sponsor; Jack Field, Washington Cattlemen's Association.

OTHER: Bill Robinson, The Nature Conservancy; Nina Carter, Audubon Society.