

HOUSE BILL REPORT

SHB 1110

FULL VETO

As Passed Legislature

Brief Description: Prohibiting the department of natural resources from entering into certain agreements with the federal government without prior legislative and gubernatorial approval.

Sponsors: House Committee on Natural Resources (originally sponsored by Representatives Buck, Fuhrman, Pennington, Silver, Johnson, Brumsickle, Stevens, Hargrove and Benton).

House Committee on Natural Resources
Senate Committee on Natural Resources

Background: Statute defines the Department of Natural Resources to include the Board of Natural Resources and the Commissioner of Public Lands. The department manages some 2.1 million acres of state forest lands. The department's management decisions must be in compliance with its trust responsibilities as well as with applicable state and federal laws.

One federal law with which the department must be in compliance is the Endangered Species Act (ESA). The ESA prohibits taking any species that is listed as endangered under the act. The ESA also provides an exception to this policy under certain conditions. The ESA allows the incidental taking of listed species if an entity has received from the Secretary of the Interior an incidental take permit and approval of a habitat conservation plan. In evaluating a proposed plan and a permit application, the secretary is to consider: whether the taking of a listed species will be incidental; whether the applicant will minimize and mitigate the impacts of the taking to the maximum extent practicable; whether the applicant will ensure adequate funding for the plan; whether the taking will appreciably reduce the likelihood of the survival and recovery of the listed species; and, whether any other measures that the secretary requires will be implemented. The planning horizon for these efforts is generally long-term in nature (for example, 30 years). The theory underlying incidental take permits and habitat conservation plans is to allow activities which might cause harm to an individual member of a listed species so long as an overall, long-range management strategy conserves the species as a whole.

The department has initiated a habitat conservation planning effort for approximately 1.6 million acres of state forest land. Species particularly emphasized in the planning effort are the northern spotted owl, the marbled murrelet, and species in riparian

zones, including salmon. The plan is also to include conservation assessments of a number of additional species and consideration of forest health. There are a number of steps involved in the development of the habitat conservation plan, including preparation of an Environmental Impact Statement. Before implementation, the plan must receive the approval of the Board of Natural Resources and the U.S. Fish and Wildlife Service, the latter acting on behalf of the Secretary of the Interior.

Summary: The Legislature shall oversee long-range commitments for the management of the state's forest lands with respect to agreements made with the federal government pursuant to the Endangered Species Act. Prior to entering into any agreement or making any commitment intended to induce the issuance of a federal permit affecting more than 10,000 acres of public or state forest land for five or more years, the department shall report to the Natural Resource Committees of the Senate and the House of Representatives. Agreements and commitments to which this requirement applies include habitat conservation plans, incidental take permits, and similar agreements or plans related to the Endangered Species Act. The department shall provide the committees with copies of all proposed plans and agreements as well as an analysis demonstrating that the proposal is in the best interests of the trust beneficiaries.

The department shall submit the following with each biennial budget request: an analysis of the impacts of any agreement or contract on state lands; identification of the funding requirements to implement the agreement or contract; and an accounting of expenditures for the current biennium with respect to any agreement or contract. The Legislature shall review the department's funding request; funds appropriated shall be separate budget items.

Votes on Final Passage:

House	68	27	
Senate	48	0	(Senate amended)
House	82	13	(House concurred)
House	68	26	(House reconsidered)
House	68	25	(House voted to override Governor's veto)