

# SENATE BILL REPORT

## SHB 1110

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As Reported By Senate Committee On:  
Natural Resources, March 31, 1995

**Title:** An act relating to the department of natural resources.

**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).

**Brief History:**

**Committee Activity:** Natural Resources: 3/16/95, 3/3/195 [DP].

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### SENATE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass as amended.

Signed by Senators Drew, Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Snyder, Strannigan and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Spanel, Vice Chair.

**Staff:** Vic Moon (786-7469)

**Background:** Statute defines that the Department of Natural Resources includes 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 provides that it is unlawful to take any species that is listed as endangered or threatened under the act. The ESA also provides an exception to this policy under certain conditions. The ESA allows the incidental taking of an endangered or threatened 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. Planning for these efforts is generally long-term in nature (for example, 30 years). The concept behind 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 of Natural Resources 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, as well as 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 would require 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 of Amended Bill:** The committee striking amendment requires that the Department of Natural Resources consult with the Senate and House Natural Resources Committees prior to entering into any agreement concerning the federal Endangered Species Act.

**Amended Bill Compared to Substitute Bill:** The substitute bill required legislative approval of all agreements.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Long-term agreements of up to 100 years should be approved by the Legislature.

**Testimony Against:** Requiring legislative approval will slow down a process which is directed at getting more timber to market.

**Testified:** Rep. Jim Buck (pro); Bob Dick, Northwest Forestry Assn. (pro); Jennifer Belcher, Commissioner of Public Lands (con); Judy Turpin, WEC (con); Bob Turner, Dept. of Fish and Wildlife (con).