

# SENATE BILL REPORT

## SB 6778

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As Reported By Senate Committee On:  
Natural Resources, February 28, 1996

**Title:** An act relating to the approval of habitat conservation plans by the board of natural resources.

**Brief Description:** Requiring a unanimous vote of the board of natural resources for certain issues dealing with endangered species.

**Sponsors:** Senators Drew, Oke, Snyder, Hargrove and A. Anderson.

**Brief History:**

**Committee Activity:** Natural Resources: 2/28/96 [DP].

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### SENATE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass.

Signed by Senators Drew, Chair; Hargrove, Haugen, Morton, Snyder and Swecker.

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

**Background:** A habitat conservation plan (HCP) is a long-range planning effort authorized under the Federal Endangered Species Act (ESA). Development of an HCP offers an applicant an avenue around the ESA's general prohibition on the "taking" of species listed under the act as endangered or threatened. The idea behind this alternative avenue is that it may be acceptable under the ESA to allow activities that harm an individual member of a listed species as long as a comprehensive long-range management strategy for the property conserves the species as a whole. A landowner initiates development of an HCP, chooses the species to include, and negotiates for approval of the plan with the U.S. Fish and Wildlife Service or, in the case of anadromous fish, the National Marine Fisheries Service.

**Summary of Bill:** The Legislature finds that there is a substantial fiscal impact in the preparation of a habitat conservation plan, as well as long-term effects of the plan on trust income. The Legislature directs that the board must secure and protect the interest of each of the trusts. Because of the substantial impact on trust income over the length of an agreement, unanimous consent by the board is necessary to safeguard the integrity of each trust.

Any agreement developed under the federal Endangered Species Act relating to a habitat conservation plan for state lands must be approved in advance by unanimous vote of all of the members of the Board of Natural Resources.

An emergency clause is included.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Adopting a 100-year plan which directly affects the income of each of the trusts should be achieved by consensus and adopted by unanimous vote. Failure of the board to address any trust's concerns will result in needless legal action.

**Testimony Against:** One trust's negative vote should not limit what the other trusts want.

**Testified:** Lou Pepper, Regent, Washington State University (pro); Niel Lessinger, University of Washington (pro); Pat Hamilton, Pacific County Commissioner (pro); Steve Johnson, Northwest Fisheries Commission (con); Scott Merriman, WA Environmental Council (con); Ron Shultz, Audubon Society (con); Bob Nichols, OFM (con).