

HOUSE BILL REPORT

ESHB 1056

As Passed House

March 11, 1997

Title: An act relating to natural area preserves.

Brief Description: Requiring that natural area preserves be accessible for public hunting, fishing, and trapping.

Sponsors: By House Committee on Natural Resources (originally sponsored by Representatives Hatfield, Pennington, Doumit, Mielke, Johnson, Buck, Kessler, Sheldon, Mastin, Grant, Thompson, DeBolt, Quall, Boldt and Linville).

Brief History:

Committee Activity:

Natural Resources: 1/28/97, 2/18/97 [DPS].

Floor Activity:

Passed House: 3/11/97, 67-27.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Hatfield; Pennington and Sheldon.

Minority Report: Without recommendation. Signed by 1 member: Representative Chandler.

Staff: Linda Byers (786-7129).

Background: Natural area preserves (NAPs) are areas which have retained their natural character, although not necessarily completely natural and undisturbed, or which are important in preserving rare or vanishing flora, fauna, geological, natural historical, or other similar features of scientific or educational value. The state owns 46 NAPs, encompassing 26,000 acres. Public use of natural area preserves generally has been limited to educational and scientific research activities. The Elk River natural area preserve is a 3,400-acre preserve in Grays Harbor County.

Natural resources conservation areas (NRCAs) are areas deemed worthy of conservation for their outstanding scenic and ecological values. The state owns 23 NRCAs, encompassing 47,000 acres. Conservation areas are open for low-impact public use.

Summary of Bill: The property currently designated as the Elk River NAP is transferred from management as a preserve to management as a natural resources conservation area. The Legislature finds that upland uses of motorized vehicles are not low-impact public uses for this conservation area, but hunting is a suitable low-impact use. The Department of Natural Resources must incorporate this legislative direction into the management plan developed for this conservation area. The department must work with the Department of Fish and Wildlife to identify hunting opportunities compatible with the area's conservation purposes.

A joint select committee is created to review the state's natural area preserve program. The committee will review the statutes and rules directing the program, the accomplishments of the program, and the extent to which the rules and accomplishments are consistent with the original intent of the legislation. The committee will also identify opportunities for better public notice regarding any future natural area preserves, evaluate how preserve designation has interfered with or otherwise impacted neighboring private property owners, and evaluate whether to expand public activities such as hunting and fishing in natural area preserves. The committee is to complete its review and report to the Legislature by December 1, 1997.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (original bill) There were problems with the process used in designating Elk River as a NAP. Reclassification to a NRCA would allow for local review and for traditional and customary uses of the area. It would be helpful to involve local citizens and adjoining property owners prior to an area's classification as a NAP. The heritage program is out of control. Creation of NAPs has been unneighborly if not illegal. Restrictions on hunting and fishing lead to too many animals, and then heroic measures are needed to control the populations. Fish and Wildlife should regulate these activities in preserves. This bill brings common sense to the management of preserves. There has been no evidence proving humans have harmed the area. DNR is taking land out of forestry and purchasing property through intimidation. The Elk River area is pristine because locals have taken good care of it. People have hunted and fished in the area for generations and want to be able to take this tradition to the next generation. A water quality problem in the area may be due

to fecal coliform from animals such as raccoons in the preserve. If there is a compromise, please make sure there is a strong citizen involvement component. The locals are good stewards of this land and should not be shut out of it. The county has passed a resolution asking for conversion to a NRCA. DNR has not followed the laws and regulations for NAPs. Funding should be withheld for the heritage program. Both sides of the river were clearcut once, and now the area is beautiful. Timber companies sell lands for NAPs because of environmental restrictions. Humans have to be a part of the equation. DNR should affirm its support for compatible uses on wildlife refuges. Federal laws allow this - why should DNR be different? Hunting can be helpful in managing a preserve. Sportsmen are not represented on the Heritage Council. There is an increasing encroachment on hunting; perhaps the bill goes too far, but hunting may be a compatible use in some of the preserves. The public has a right to access for traditional uses. DNR is misusing its authority. The NAP law does not specifically deny recreational activities.

Testimony Against: (original bill) The bill is overkill; some NAPs don't need to be opened. This strikes at the heart of the natural heritage program. These areas are not created for recreational purposes. If public activities are sanctioned, it should be with the approval of the managing entities. It is important to maintain the integrity of what the preserve is preserving. The carte blanche approach is wrong. NAPs are acquired from willing sellers who know the area will be a preserve. It is better to acquire property than to regulate. The one size fits all approach doesn't take into account the variety of properties covered in the bill. Twenty-six thousand acres is minuscule compared to the millions of acres that are open for other purposes. Field learning for youngsters is valuable. All of the testimony in favor is about Elk River; the bill opens up all preserves. Kids on field trips would have to watch out for hunters. There should be a case by case evaluation of each preserve to see what public uses can be accommodated. Each NAP is different and unique and should have its own management plan. Elk River is the last salt marsh habitat of this quality in the state, if not on the whole west coast. DNR has not tried to be secretive about its purchases.

Testified: Representative Brian Hatfield, prime sponsor; Representative Lynn Kessler; Brian Judy, National Rifle Association; Lucette O'Hagan, Ocosta High School F.F.A.; Patrick R. O'Hagan, self; Carl F. Weber, taxpayer; John Erak, self; Gerald W. Rowlands, Modern Firearm Hunters of Washington; Bob Lake, local land owner; Diane Ellison, Ellison Timber and Properties; Rob Kavanaugh, self; Charles Thompson, self; Sam Blake; Dick Dixon, Grays Harbor County Commissioner; Brady Engvall, Willapa/Grays Harbor Oysterman's Association; Brian E. Blake, concerned Grays Harbor resident; Ken Koski, Washington State Trappers Association; Allan Hollingsworth; Bill Pickell, resident of Grays Harbor and Washington Contract Loggers Association; James O'Hagan, self; Mike Hoyne, Laidlaw Island Hunting Club (all in favor); Ed Owens, Coalition of Coastal Fisheries (pro with concerns);

Maggie Coon, The Nature Conservancy of Washington; Tony Angell; Ron Shultz, National Audubon Society; Pat Bleakney, citizen/Natural Heritage Advisory Council; Kent Hull, Inland Northwest Wildlife Council; Karen Munro, Washington Wildlife and Recreation Coalition; Gina Blum, self; Amy Bell, Department of Natural Resources; Steve Rentrucky (all opposed); and Tom Juelson, Department of Fish and Wildlife (part con).