

SENATE BILL REPORT

SB 6444

As Reported By Senate Committee On:
Natural Resources & Parks, February 6, 1998

Title: An act relating to providing guidance in developing habitat conservation plans and similar endangered species agreements.

Brief Description: Guiding state and local governments in the development of habitat conservation plans.

Sponsors: Senators Spanel, Fraser, Jacobsen, Haugen, Fairley, Snyder, McAuliffe and Kohl.

Brief History:

Committee Activity: Natural Resources & Parks: 2/6/98 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Prentice, Snyder and Spanel.

Staff: Vic Moon (786-7469)

Background: Under the federal Endangered Species Act, habitat conservation plans are allowed for both the public and private entities. These conservation plans are designed to allow management to protect species and to allow an occasional taking or killing of an endangered species if the long-term result of the conservation plan is to increase the species viability and habitat.

Summary of Bill: Habitat conservation plans and similar agreements under the federal Endangered Species Act may benefit all Washington by providing measures for protection and recovery of federally listed species. The agreements, however, may not encompass all of the activities and persons who may be affected by the Endangered Species Act listing in a region or watershed, and coordination is needed to ensure that the habitat conservation plans when adopted fit together to protect species in a coordinated way and to ensure that the plans are not inconsistent or unfair in their application.

The policy of the state is to provide guidance to state and local government representatives in the development of habitat conservation plans or similar agreements to which the state and its subdivisions are a party to ensure maximum fairness and consistency. Policies and procedures provided in the act apply to all state agencies, general purpose governments and special purpose districts when participating in the development of a habitat conservation plan or comparable agreement. Local government includes both general purpose local governments and special purpose districts.

State and local representatives participating in the development of habitat conservation plans ensure early and meaningful opportunity for public participation commensurate with the geographic scope of the issue. Multiple state and local agencies participating in the development of an agreement may jointly coordinate the public participation element.

State and local governments are guided by the following principals. Agreement covers as many lands and activities as possible. Where more than one agreement is under development with different parties, state and local representatives advocate for consistency. Recognizing the difficulty in achieving the twin policy objectives of no surprises for landowners– and at the same time providing for flexibility, there should be a provision for amending the agreement in the future. Standards for reopening agreements to address unanticipated species protection are included. The Governor is directed to issue model guidelines for the use of state and local representatives when participating in the development of habitat conservation plans.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed to provide coordination between public and private drafters of HCPs. Overlapping coverage by multiple HCPs may place burdens on public agencies or private companies without their knowledge.

Testimony Against: The approach in the bill will cause confusion, will limit the public and private’s ability to negotiate agreements. The issues are far too complex for this approach and the Governor should not be setting guidelines for local government.

Testified: Bruce Wishart, People for Puget Sound (pro); Dennis Rohr, Chelan/Douglas PUDs (con).