

HOUSE BILL REPORT

ESSB 6400

As Reported by House Committee On:

Natural Resources
Appropriations

Title: An act relating to biodiversity conservation.

Brief Description: Developing a statewide biodiversity conservation strategy.

Sponsors: Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Jacobsen, Oke, Kohl-Welles and Kline).

Brief History:

Committee Activity:

Natural Resources: 2/26/02, 2/27/02 [DPA];
Appropriations: 3/4/02 [DPA(APP w/o NR)s].

Brief Summary of Engrossed Substitute Bill (As Amended by House Committee)

- Directs the Interagency Committee for Outdoor Recreation to grant \$45,000 for the creation of the stakeholder-comprised Biodiversity Conservation Committee (committee).
- The committee must develop recommendations for the development and implementation of a statewide biodiversity conservation strategy that replaces existing single-species or single-resource protection programs.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 6 members: Representatives Doumit, Chair; Rockefeller, Vice Chair; Eickmeyer, Jackley, McDermott and Upthegrove.

Minority Report: Do not pass. Signed by 5 members: Representatives Sump, Ranking Minority Member; Buck, Ericksen, Orcutt and Pearson.

Staff: Jason Callahan (786-7117).

Background:

Biological diversity, or biodiversity, is the term used to describe the array of plants and animals and the diversity of landscapes on which they depend. There are a number of programs in Washington, both state and non-governmental, that address the state's biodiversity. These programs include the state's Natural Heritage Program of the Department of Natural Resources and the Priority Habitat and Species Program of the Department of Fish and Wildlife. In addition, The Nature Conservancy of Washington is developing ecoregional plans to guide its conservation programs.

Currently, there is not a central coordinating entity for existing programs, and there is no single entity responsible for the development and implementation of a state biodiversity strategy.

Summary of Amended Bill:

A temporary committee is created to develop recommendations for the establishment of the framework for the development and implementation of a statewide biodiversity conservation strategy that replaces existing single-species or single-resource protection programs. The committee is funded by a \$45,000 grant issued competitively by the Interagency Committee for Outdoor Recreation (IAC).

The entity receiving the grant must convene and facilitate the Biodiversity Conservation Committee (committee), which will review existing biodiversity mapping and research programs in Washington and other states. The existing programs that are evaluated may be conducted by both public and private entities.

The committee must develop recommendations by October 1, 2003, for a state biodiversity program. The recommendations must include: (1) the creation and composition of a standing committee council to oversee the program; (2) the identification of a lead agency to support and facilitate a state biodiversity conservation plan; (3) the methods to improve state coordination and cooperation; (4) the development of consistent definitions of the state's ecoregions and an integration of map and data management; (5) the identification of the state's role in housing and administering biodiversity information; (6) the methods to ensure stakeholder involvement and to provide technical assistance and support to land management; (7) the identification of time frames and funding needed to implement the programs; (8) recognition of existing programs that protect wildlife habitat; (9) the development of definitions for key terms, including biodiversity--; and (10) a review of the state's environmental policies.

The committee must invite several stakeholder groups to participate, including federal, local and tribal governments, property owners, businesses, academia and non-governmental conservation organizations.

An appropriation of \$49,000 is made to the IAC for the grant and implementation costs.

The successful applicant for the grant must match at least the amount paid by the state from non-state sources.

Amended Bill Compared to Engrossed Substitute Bill:

The amended bill specifies that the state biodiversity strategy does not include an implementation prong, and requires the temporary committee to recognize programs like the Forest and Fish Program, which protects wildlife habitat, to develop consistent definitions and to review existing state policies and legal mechanisms that affect biodiversity. The amended bill also directs the temporary committee to focus on conservation needs not already addressed by other mechanisms.

Appropriation: The sum of \$49,000.

Fiscal Note: Not Requested.

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

Testimony For: Often it is helpful in making local land management decisions to step back and look at the bigger picture of habitats and ecoregions. It only makes sense from a resource management standpoint to have all of the groups, entities and agencies looking at the biodiversity issue to be on the same page and communicating with each other. The coordination and consistency of programs lead to efficiency and give the public and land managers the most accurate, best available science to base decisions on. Currently, there are various studies and programs in existence that look at the issue of biodiversity, but there is no way to put them all together and see what product is available.

Oregon has attempted a similar program, but it was accomplished in the private sector. The result was that the credibility of the study was uncertain, so the state now has to redo many elements of the study. Having Washington sanction the study from the beginning will avoid these problems.

Washington's economy is based largely on its biodiversity, which has been decreasing. This loss of biodiversity should be stopped, and restoration should begin.

Managing for biodiversity, instead of for single species or single resources, may actually reduce regulations in areas where today the regulation is overkill. A statewide biodiversity strategy may reduce the need for current environmental regulations and eliminate future Endangered Species Act listings.

Testimony Against: The objectives of the bill are noble, but conserving and enhancing habitat is already being done by the current stewards of the land. A new system of

biodiversity regulation would duplicate other systems which were put in place after heavy negotiation and compromise. These agreements include Forest and Fish, and Timber, Fish and Wildlife Programs. In addition, the Forest Practices Board already regulates many of the acres that contain the state's biodiversity, and any efforts to address biodiversity should work through that entity.

Overlapping environmental and land use regulations are already a significant problem facing business today, and this bill raises the specter of another overlapping layer. Any new approaches should be strictly incentive based and not based in regulation. If a biodiversity-level approach to resource protection is going to be pursued, it should be complemented with a phase out of the current single-resource regulation currently in place.

The grant amount is questionable. It may be sufficient to get things started, but eventually more money will be needed in order to successfully complete the project. In addition, key terms in the bill are not defined. There is no way to understand how terms like "biodiversity" and "ecoregion" are going to be interpreted.

Testified: (In support) Joe LaTourrette, Defenders of Wildlife; Bruce Taylor, Defenders of Wildlife; Naki Stevens, Audubon Washington; Len Barson, The Nature Conservancy of Washington; Bonnie Bunning, Department of Natural Resources; and Steve Pozzanghera, Department of Fish and Wildlife.

(With concerns) Nels Hanson, Washington Farm Forestry Association; Bob Hart, Washington State Nursery and Landscape Association; and Kristen Sawin, Association of Washington Business.

(Opposed) Hertha Lund, Washington State Farm Bureau.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Natural Resources. Signed by 14 members: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Cody; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

Minority Report: Do not pass. Signed by 11 members: Representatives Sehlin, Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Staff: Jeff Olsen (786-7157).

Summary of Recommendation of Committee On Appropriations Compared to

Recommendation of Committee On Natural Resources:

The bill as amended by the Appropriations Committee removes a general fund state appropriation of \$49,000 to the Interagency Committee for Outdoor Recreation to implement the bill.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The bill establishes a temporary public-private task force to study biodiversity and shift away from species by species management. The process would build on existing programs and examine non-regulatory approaches and landowner incentives to achieve objectives. The bill would establish a framework to develop a strategy for a state biodiversity program. Oregon has a similar program that has strong support.

Testimony Against: None.

Testified: Joe LaTourette, Defenders of Wildlife; and Steve Pozzanghera, Washington Department of Fish and Wildlife.