

FINAL BILL REPORT

SHB 2444

C 136 L 96

Synopsis as Enacted

Brief Description: Amending the forest practice act of 1974 regarding federally approved habitat conservation plans.

Sponsors: By House Committee on Natural Resources (originally sponsored by Representatives Brumsickle, Chappell, Buck, Cairnes, Sheldon, Honeyford, McMorris, Morris, Kessler, Delvin, Basich, Fuhrman, Regala, Schoesler, Mastin, Elliot, Johnson, D. Sommers, Boldt, Thompson and McMahan).

House Committee on Natural Resources
Senate Committee on Natural Resources

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.

A provision in the state's forest practices rules provides a special break from certain state requirements for lands covered by an approved HCP. The law directs the state Forest Practices Board to establish by rule which forest practices should be included in each of four classes. Class IV has a subset called "Class IV - Special." These are forest practices that have potential for a substantial impact on the environment. Applications for Class IV - Special forest practices require completion of an environmental checklist under the State Environmental Policy Act and may require completion of the more detailed environmental impact statement. One element that can trigger the designation of a forest practice as a Class IV - Special is a forest practice proposed on lands designated as critical wildlife habitat (a state designation) or critical habitat (a federal designation) for a threatened or endangered species. However, the forest practices rules provide that lands upon which forest practices are covered by an approved HCP are not critical wildlife habitats or critical habitats for that species, as long as the species is included in the HCP.

One landowner in the state has an approved HCP.

Summary: A new section is added to the forest practices statutes specifically addressing forest practices that are consistent with an approved habitat conservation plan. Such practices are exempt from state forest practices rules and policies adopted primarily for the protection of one or more species covered by the HCP, provided that the proposed forest practices are in compliance with the approved plan.

This new provision applies only to HCPs approved prior to the effective date of this legislation. This new provision is not intended to limit the rule-making authority of the Forest Practices Board.

Votes on Final Passage:

House	97	0	
Senate	44	2	(Senate amended)
House	93	0	(House concurred)

Effective: March 25, 1996