
**Rural Development, Agriculture, &
Natural Resources Committee**

HB 2506

Brief Description: Increasing transparency in the marbled murrelet advisory committee process by requiring advance public notice of all committee meetings.

Sponsors: Representatives Walsh, Blake and Graham.

Brief Summary of Bill

- Requires the Department of Natural Resources to provide at least 72 hours notice before any meeting of the Marbled Murrelet Advisory Committee (Advisory Committee).
- Requires Advisory Committee meeting notices to meet certain requirements for notification of special meetings under the Open Public Meetings Act.

Hearing Date: 1/22/20

Staff: Rebecca Lewis (786-7339).

Background:

Marbled Murrelet Advisory Committee.

The marbled murrelet (*Brachyramphus marmoratus*) is a species of bird that resides along the Pacific Coast of North America. The marbled murrelet was listed by the United States Fish and Wildlife Service (USFWS) in 1992 as a threatened species in California, Oregon, and Washington. In 1997 the State of Washington, through the Department of Natural Resources (DNR), entered into a Habitat Conservation Plan (HCP) for the marbled murrelet on certain trust lands managed by the DNR.

The DNR must provide a report to the Legislature concerning certain aspects of the marbled murrelet HCP, beginning in 2018 and continuing every year until the year after the USFWS

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issues an incidental take permit on the state trust lands HCP for the long-term conservation strategy for the marbled murrelet. The report must contain:

- an economic analysis of potential losses or gains from any proposed marbled murrelet long-term conservation strategy selected by the Board of Natural Resources (Board), forwarded to or approved by the USFWS and subsequently adopted by the Board;
- recommendations for actions that support maintaining or increasing family-wage timber and related jobs in affected rural communities;
- recommendations for strategies to ensure no net loss of revenues to the trust beneficiaries due to the implementation of additional marbled murrelet conservation measures;
- recommendations for additional means of financing county services; and
- recommendations for additional reasonable, incentive-based, nonregulatory conservation measures for the marbled murrelet that also provide economic benefits to rural communities.

At least 90 days before submitting the report to the Legislature, the DNR must submit a draft of the report for review and comment to the chair and ranking member of the committees of the House of Representatives and Senate with jurisdiction over state lands.

The Marbled Murrelet Advisory Committee (Advisory Committee) assists the DNR in developing the report. Members of the Advisory Committee are appointed by the Commissioner of Public Lands and includes representatives from state trust lands beneficiaries, impacted state forestland beneficiaries, junior taxing districts, environmental organizations, local governments, milling interests or an association representing milling interests, private forest landowners or a statewide association representing private forest landowners, and local public interest groups. The Advisory Committee may consult with relevant state and federal agencies and with tribes.

Open Public Meetings Act.

Open Public Meetings Act, Generally.

The Open Public Meetings Act (OPMA) requires public access to all meetings of the governing body of a state or local agency or subagency that involve the transaction of official business. Any law, rule, regulation, or directive must be adopted by a governing body at an open meeting.

In 2015 the Washington Supreme Court (Court) held in *Citizens Alliance for Property Rights Legal Fund v. San Juan County* that the OPMA does not apply to advisory boards. The Court reasoned that an entity that provides advice or information to a governing body does not act on behalf of the governing body.

Prior Notice and Special Meetings.

The OPMA mandates that a governing body may adopt an ordinance, resolution, rule, regulation, order, or directive only in a public meeting with prior notice. Prior notice may be satisfied by an ordinance or other rule that includes the governing body's regular meeting time. Except for agencies with fewer than 10 employees or without a website, the agenda of each regular meeting must be posted online no later than 24 hours in advance of the meeting. Special meetings may be called by the presiding officer, with notice delivered to local media, posted online, and displayed at the main entrance of the agency's principal location.

Summary of Bill:

The Department of Natural Resources must provide a minimum of 72 hours notice before any meeting of the Marbled Murrelet Advisory Committee. The notice must adhere to the following requirements for notification of special meetings under the Open Public Meetings Act:

- Notice must be posted on the DNR's website and delivered to each local newspaper of general circulation, and any local radio or television station with a request on file with the DNR to be notified of the special meeting.
- Notice must be prominently displayed at the main entrance of the meeting site.
- The notices must specify the time and place of the meeting, as well as the business to be transacted. The DNR may not take final action on any other matter not listed on the agenda.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.