

SENATE BILL REPORT

SB 5101

AS OF FEBRUARY 8, 1991

Brief Description: Mitigating negative impacts to wildlife.

SPONSORS: Senator Metcalf.

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Staff: Vic Moon (786-7469)

Hearing Dates: February 12, 1991

BACKGROUND:

Development of lands that contain wildlife is reducing habitat in many areas of the state. Urbanization, recreational development and transfer of timber and agriculture land to more intensive uses are eroding the habitat available for wildlife. Some mitigation occurs based on the loss of habitat from construction of large public projects such as the dams on the Columbia River, but there is little effort to replace habitat which is lost through gradual urban sprawl.

SUMMARY:

The Legislature recognizes the value of wildlife to people of the state and the need to protect wildlife habitat for both game and nongame species. The Legislature recognizes that public and private development of the land may have significant positive economic and social benefits if mitigation measures are taken and the developments are built in an environmentally sound manner.

The Department of Wildlife will describe and analyze the negative impacts of developments on wildlife and will specify actions necessary to mitigate those impacts. The Department of Wildlife, the Department of Natural Resources and the Department of Fisheries will jointly review any project for which an environmental impact statement is required. The department's review will analyze positive and negative impacts on wildlife, establish mitigation measures that must be undertaken before, during and after the construction of the project, and designate who is to pay for such mitigation.

Final action may not be taken on any proposal determined by the Department of Wildlife to have a negative impact until a mitigation agreement is entered into between the proponent of the development and the department. The agreement must specify that the proponent of the project will be responsible for all current and future costs of mitigation.

The department will develop a fee schedule subject to legislative approval that will allow the department to recover its expenses for the review process and will develop rules for the mitigation process by December 30, 1989. Failure to comply with a mitigation agreement will be punished as a gross misdemeanor (up to one year and/or \$5,000 set by the court). No final action may be taken on an environmental impact statement until a mitigation agreement is settled. A severability clause and an emergency clause are included.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: The bill contains an emergency clause and takes effect immediately.