
Local Government & Housing Committee

HB 2134

Brief Description: Requiring consideration of impacts to plant species identified by the natural heritage program.

Sponsors: Representative McCoy.

Brief Summary of Bill

- Requires development and implementation of a mitigation process for certain plants before a local government issues a development permit, and before the Department of Natural Resources (DNR), the Department of Fish and Wildlife, or the Parks and Recreation Commission conducts or allows activities affecting such plants on their lands.
- Requires the DNR to cooperate with local governments and state agencies requesting consultation services regarding certain plants.

Hearing Date: 3/4/09

Staff: Sara del Moral (786-7291) and Thamas Osborn (786-7129)

Background:

Department of Natural Resources Duties.

The Department of Natural Resources (DNR) is authorized, under state law, to perform a number of functions. Examples include:

- inventorying lands to assess possible natural areas for preservation;
- maintaining the Natural Heritage Program (NHP or program); and
- preparing and regularly updating the Natural Heritage Plan, which governs the NHP.

Natural Heritage Program.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under state law, the NHP compiles and distributes information on Washington's natural heritage resources, which include plant community types, plant species, and unique geologic types. The NHP maintains a database which classifies information related to natural heritage resources. The information in the database is available to public and private entities to aid in environmental assessments and land management decisions.

Summary of Bill:

Counties, cities, and towns must consider impacts to plant species identified by the NHP that may reside on a proposed project site. They may not issue permits for project proposals affecting or likely to affect such plant species without prior development and implementation of an appropriate mitigation process for the plants.

New requirements are established regarding land owned, managed, or leased by the DNR, the Department of Fish and Wildlife, and the Parks and Recreation Commission. These state agencies must consider impacts to plants which reside on such lands and have been identified by the NHP. They may not conduct or allow activities affecting or likely to affect such plants without prior development and implementation of an appropriate mitigation process. Such activities include, but are not limited to, application of herbicides and livestock grazing.

Consideration of impacts includes, but is not limited to, consulting with the NHP and associated data banks of the DNR to determine whether a plant species identified by the program is located on a site where proposed actions may affect plants.

Appropriate mitigation process is defined as a process ensuring that:

- there is no net loss of an affected plant species; and
- plant transplanting, when transplanting is practicable, involves movements of minimal distances.

The DNR is required to cooperate with state agencies and local governments requesting consultation services for plant species identified by the NHP. Additionally, information in the NHP data banks must be made available to public and private agencies and individuals for permitting processes.

Appropriation: None.

Fiscal Note: Requested March 2, 2009.

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