

SENATE BILL REPORT

SSB 5583

As Passed Senate, February 12, 2016

Title: An act relating to providing the fish and wildlife commission with the tools necessary to enact changes to the status of a species.

Brief Description: Providing the fish and wildlife commission with the tools necessary to enact changes to the status of a species.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senator Dansel).

Brief History:

Committee Activity: Natural Resources & Parks: 2/05/15, 2/11/15 [DP-WM].

Ways & Means: 2/23/15, 2/26/15 [DPS, DNP, w/oRec].

Passed Senate: 3/11/15, 27-22; 2/12/16, 28-19.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Dansel, Vice Chair; Chase, Hewitt, McAuliffe, Warnick and Hatfield.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5583 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Billig, Brown, Hewitt, O'Ban, Padden, Parlette, Schoesler, Warnick and Hatfield.

Minority Report: Do not pass.

Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Conway, Fraser, Hasegawa and Rolfes.

Minority Report: That it be referred without recommendation.

Signed by Senator Kohl-Welles.

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.

Staff: Sherry McNamara (786-7402)

Background: Department of Fish and Wildlife (DFW) Generally. DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must protect and manage fish and wildlife, including establishing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

State Endangered Species Management Authority. The Fish and Wildlife Commission (Commission) has the statutory authority to identify species that are seriously threatened with extinction and designate those species as endangered. Such a species classification must be requested by the Director of DFW.

Under this statutory authority, the Commission adopted rules providing that it may only designate a species as endangered, threatened, or sensitive on the basis of the biological status of the species being considered. This decision must be based on the preponderance of available scientific data. DFW must write a recovery plan for endangered and threatened species, and a management plan for sensitive species. These plans must identify target population objectives, reclassification criteria, an implementation plan, public education, and a species monitoring plan.

A species may be delisted from endangered, threatened, or sensitive status only when populations are no longer in danger of failing, declining, or vulnerable. The Commission must also rely on the preponderance of available scientific data when making delisting or reclassification decisions.

Summary of Substitute Bill: Regional Classification Decisions. An initial species designation by the Commission must be statewide, but it may remove a designation for land mammals on a regional basis based on a petition. If it denies a petition, the Commission must provide information to support and explain the decision.

Regional designation changes must be based on regional population and status, and not on the region's contribution to statewide population recovery. In making regional designation decisions, the Commission:

- must consider the federal status of the species in that region;
- must use the regional designation identified in the petition as the basis for consideration; and
- may not use any previously adopted statewide recovery or management plan as the basis for determining regional biological status.

Regional Management Plans. If the Commission adopts a regional designation change, it must tailor any relevant management plans or rules to the needs of the region. Regional management plans and rules must provide for a balance of management outcomes including regional needs of the species, management impacts on other species, and management impacts on local customs and culture.

DFW must give deference to local customs and culture in managing a species subject to a regional designation change. DFW must work jointly and in coordination with all interested

county legislative authorities in developing, implementing, and monitoring regional management plans and rules.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Natural Resources & Parks):

PRO: This bill will provide the tools necessary to manage the wolves in a manner that respects local needs in areas that have been devastated by their impact and predation. DFW should be responsible for the wolves. It is not right for particular areas to bear the brunt of the issues.

CON: There are concerns about the precedent this bill will set. All communities should be considered when regional consultation takes place. The effects of regional delisting extend beyond wolves to all species.

OTHER: This bill potentially has much broader effects for a number of state-listed terrestrial mammals. If the department was to set aside the regional contribution of a species, it would also essentially be setting aside that contribution to delisting that same species elsewhere in the state.

Persons Testifying (Natural Resources & Parks): PRO: Dave Dashielle, Stevens County Cattlemen; Wes McCart, Stevens County Commissioner; Karen Skoog, Pend Orielle County Commissioner; Pace Amidon, WA Cattlemen's Assn.

CON: Paula Swedeen, Conservation NW; Dan Paul, Humane Society, Dawn Vyvyan, Yakama Nation.

OTHER: Nate Pamplin, DFW.

Staff Summary of Public Testimony on Original Bill (Ways & Means): PRO: This bill would provide DFW the ability to change wolf management on a regional basis particularly in northeast Washington, where most of the wolves are. These wolves are no longer on the federal endangered species list and they continue to create issues for livestock owners.

OTHER: DFW has concerns with the costs of preparing ten regional recovery plans that focus on a region, and have science-based data and standards by region.

Persons Testifying (Ways & Means): PRO: Senator Dansel, prime sponsor.

OTHER: David Ware, DFW.