

SENATE BILL REPORT

SB 6020

As of January 11, 2018

Title: An act relating to establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information.

Brief Description: Establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information.

Sponsors: Senators Van De Wege and Chase.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/11/18.

Brief Summary of Bill

- Requires the Department of Natural Resources (DNR) to annually provide certain information and recommendations relating to impacts from the proposed amendment to the state trust lands habitat conservation plan relating to marbled murrelet habitat.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Curt Gavigan (786-7437)

Background: Federal Endangered Species Act. Congress passed the federal Endangered Species Act (ESA) in 1973, which provides protection for threatened and endangered species. An endangered species is a species in danger of extinction throughout all or part of its historic range. A threatened species is a species likely to become endangered within the foreseeable future. The ESA generally prohibits take of a listed species, which includes harassing, harming, or killing such species.

Habitat Conservation Plans. An incidental take permit allows a person to legally proceed with an activity that would otherwise result in illegal take of a listed species. A habitat conservation plan (HCP) must accompany an application for an incidental take permit, and serves as an agreement between the federal government and permittee. An HCP must include an assessment of likely impacts, measures to minimize and mitigate for such impacts,

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alternatives evaluated by the applicant, and any additional measures required by the federal government. The federal government will issue an incidental take permit if the taking will be incidental, the applicant will minimize and mitigate impacts, adequate funding for the plan is available, and the taking will not reduce the likelihood of survival and recovery.

State Lands HCP. The state lands HCP was adopted in 1997. The HCP is a multi-species plan that includes coverage for species including the northern spotted owl, marbled murrelet, and riparian species. The HCP includes conservation measures for species and areas covered in the plan. In the case of marbled murrelets, the HCP identifies the 1997 plan as an interim strategy to be in place while a long term strategy is developed. In November 2017, the Board of Natural Resources (Board) directed DNR to develop, analyze, and submit a preferred alternative for a marbled murrelet long term conservation strategy and HCP amendment.

Summary of Bill: DNR must provide an annual report to the Legislature on the proposed marbled murrelet HCP approved by the Board. The report must include:

- an economic analysis of the net loss or gain of revenue to each trust beneficiary;
- an economic analysis of the potential net loss or gain of jobs for each impacted county;
- recommendations to the Legislature to offset potential revenue loss to beneficiaries, identified loss of jobs to rural communities, and policies that may be adopted before the losses are projected to occur; and
- recommendations to the Legislature on the definition of arrearage that may provide additional certainty for trust revenues.

The Commissioner of Public Lands must appoint an advisory committee to assist DNR in developing the required reports. The advisory may include representation from trust beneficiaries, environmental organizations, local governments, milling and forestland interests, local public interest groups, and may consult with relevant agencies and tribes.

The annual report must continue until the HCP amendment is approved by the federal government.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: The state is attempting to update the 1997 HCP based on promises made at that time. The Commissioner has directed DNR to set up a stakeholder process to achieve no net loss of jobs. From here, there will be continued environmental analysis and public comment as the HCP update process continues. Counties rely on revenue from trust lands to support their activities and those of junior taxing districts. Forest products are also key to rural jobs, and uncertainty around timber harvest makes it difficult to draw jobs. The Legislature should look at exploring these issues in more detail moving forward.

OTHER: Discussions should focus more on volume as opposed to just value. Rural communities need harvest volume to address jobs and forest health issues. There are a number of suggested changes to the bill, including linking in the arrearage reporting requirement, looking at impacts dating back as far as 2014, defining what exactly no net loss of jobs means, and specifying mandatory membership in the bill. An advisory committee may not be the best structure since the Board has already been involved in discussions. While DNR needs to provide trust revenues, it must do so under federal and state law. If collaboration occurs, this will help to avoid lawsuits.

Persons Testifying: PRO: Bruce Beckett, Port of Port Angeles; Laura Berg, WSAC; Dave Warren, DNR/Legislative Director; Andrew Hayes, DNR/Forest Resource Division Manager.

OTHER: Rod Fleck, City of Forks; Darcy Nonemacher, Washington Environmental Council; Heath Heikkila, American Forest Resource Council, Director of Governmental Relations; Paula Swedeen, Conservation Northwest.

Persons Signed In To Testify But Not Testifying: No one.