

SENATE BILL REPORT

SCR 8435

As Passed Senate, March 7, 1996

Brief Description: Requesting an Attorney General's opinion concerning trust lands.

Sponsors: Senators Drew, Snyder, Oke, Hargrove, Owen, Rinehart and Bauer.

Brief History:

Senate Adopted, 3/7/96.

Staff: Vic Moon (786-7469)

Background: A habitat conservation plan (HCP) is a long-range planning effort authorized under the Federal Endangered Species Act (ESA). Development of an HCP offers an applicant an avenue around the ESA's general prohibition on the "taking" of species listed as endangered or threatened under the act. The idea behind this alternative avenue is that it may be acceptable under the ESA to allow activities that harm an individual member of a listed species as long as a comprehensive long-range management strategy for the property conserves the species as a whole. A landowner initiates development of an HCP, chooses the species that are to be included, and negotiates for approval of the plan with the U.S. Fish and Wildlife Service or, in the case of anadromous fish, the National Marine Fisheries Service.

Summary of Bill: The chairs of the Natural Resources Committees of the House and Senate are authorized to request the Attorney General to render an opinion no later than August 1, 1996, in response to questions regarding the authority, rights and responsibilities among agencies and institutions with respect to state trust lands. The chairs must consult with the Governor, the Commissioner of Public Lands, the presidents of Washington State University and the University of Washington and the Superintendent of Public Instruction. The chairs must also request that the Attorney General identify factual information that may be necessary to resolve disputes under the legal principles set forth in an imposed opinion. In addition, the chairs of both committees must request the Attorney General to appoint a facilitator to assist in information gathering.

The Legislature requests that the Attorney General's office provide recommendations for legislation to clarify the authority and responsibilities among state agencies and institutions. The Legislature requests that the trusts make every attempt to reach consensus with the Department of Natural Resources before any long-term contract is entered into with respect to a habitat conservation plan under the federal Endangered Species Act. The Legislature requests that each member of the Board of Natural Resources make every effort to reach consensus and that the board not take final action on a proposed habitat conservation plan for a sufficient time after the issuance of the Attorney General's Opinion, but in no case less than 60 days after the issuance of the opinion.

The Legislature requests that the Board of Natural Resources hold public hearings in each of the seven Natural Resources Department regions of the state and requests that the Department of Natural Resources provide a trust-by-trust analysis of how much land is to be forest production and how much land is to be in wildlife habitat or other designation. The Legislature also requests that the department provide the beneficiaries of state-managed lands information that is required pertaining to the proposed habitat conservation plan, including the economic information that gives the baseline calculation on a trust-by-trust basis to the satisfaction of each of the trusts.

Appropriation: None.

Fiscal Note: Not requested.