
Local Government & Housing Committee

HB 1136

Brief Description: Incorporating considerations of impacts to plant species identified by the natural heritage program in local government permitting processes.

Sponsors: Representatives McCoy and Chase.

Brief Summary of Bill

- Requires local government permitting processes to consider impacts to natural heritage plant species that may reside on a proposed project site.
- Specifies that consideration of impacts includes consulting with the Natural Heritage Program and associated data banks to determine whether a plant species identified by the program is located on the proposed project site.
- Prohibits local governments from issuing permits for project proposals affecting plant species identified by the natural heritage program without prior implementation of an appropriate mitigation process.
- Requires the Department of Natural Resources to cooperate with local governments requesting consultation services for plant species identified by the natural heritage program.

Hearing Date: 1/19/09

Staff: Sara del Moral (786-7291)

Background:

Natural Heritage Program.

The Legislature created the Natural Heritage Program (NHP) within the Department of Natural Resources (DNR) in 1981. The program's statutory duties include compiling and distributing information on Washington's natural heritage resources, which include plant community types, plant species, and unique geologic types.

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.

The NHP is required to maintain a database that contains the location of natural heritage resources in the state. The information in the database is available to public and private entities to aid in environmental assessments and land management decisions. Generally, information in the database that relates to wildlife habitat is developed jointly with the Department of Fish and Wildlife.

The NHP is governed by the Natural Heritage Plan. This plan is required to provide details on which natural heritage resources are to be considered, and provide criteria for the selection of natural areas.

Natural Heritage Advisory Council.

The 15-member Natural Heritage Advisory Council recommends policy for the natural heritage program, advises the state on the management of areas with natural heritage resources, and reviews nominations for natural area dedication.

Permitting Process Regulations.

Permitting processes are not required to consider impacts to plant species identified by the natural heritage program.

Summary of Bill:

County, city, and town permitting processes must consider impacts to plant species identified by the natural heritage program that may reside on a proposed project site.

Consideration of impacts includes, but is not limited to, consulting with the natural heritage program and associated data banks of the DNR to determine, or attempt to determine, whether a plant species identified by the program is located on the proposed project site.

Counties, cities, and towns must not issue permits for project proposals affecting or likely to affect plant species identified by the natural heritage program without prior development and implementation of an appropriate mitigation process for the affected or likely to be affected 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 local governments requesting consultation services for plant species identified by the natural heritage program.

Information in the natural heritage program data banks must be made available to public and private agencies and individuals for permitting processes.

Appropriation: None.

Fiscal Note: Fiscal note requested on January 16, 2009.

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