

SENATE BILL REPORT

SB 5281

AS REPORTED BY COMMITTEE ON NATURAL RESOURCES, FEBRUARY 26, 1993

Brief Description: Attempting to increase the amount of habitat available for fish and wildlife.

SPONSORS: Senators Hargrove, Oke, Sutherland, Owen, Jesernig, Anderson, von Reichbauer and Barr

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Erwin, Franklin, Oke, and Snyder.

Staff: Erika Lim (786-7488)

Hearing Dates: February 10, 1993; February 26, 1993

BACKGROUND:

Fish and wildlife habitats are being destroyed or altered through human encroachment. However, some property owners are reluctant to enhance fish or wildlife habitat on their lands because the resulting presence of fish or wildlife may impair the future use of the lands.

SUMMARY:

Property owners may enter into agreements with the Department of Fisheries and/or the Department of Wildlife, depending on the habitat to be enhanced. Under the agreement, the agreeing department will consult with the Department of Natural Resources and either the Department of Fisheries or Wildlife and will stipulate the condition of the property. Consideration of any future application for a hydraulic permit or a forest practices permit will be based on the previously stipulated conditions of the property unless all parties agree otherwise.

The stipulated conditions may be used for permit application only by the owner who entered into the agreement. The stipulated conditions do not follow the property if the property is sold.

EFFECT OF PROPOSED SUBSTITUTE:

It is explicitly stated that the Departments of Fisheries and Wildlife are not obligated to enter into any agreements that they do not believe are in the best interests of protecting fish and wildlife. Language is added that other affected

agencies and affected federally recognized Indian tribes will be consulted before agreements are made with landowners.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR (original bill):

All parties agreed that more effort should be placed behind enhancing and rehabilitating the state's fish and wildlife habitats.

TESTIMONY AGAINST (original bill):

The effect of the Endangered Species Act is not addressed. Also, since agreements will bind the parties into the future, all affected parties should be consulted before agreements are made.

TESTIFIED: Toimi Maki, Grays Harbor Gillnetters (pro); Ed Manary, Department of Fisheries; John Mankowski, Department of Wildlife; Gordon Zillges, Department of Wildlife; Mimi Curry, Department of Natural Resources; Dawn Vyvyan, Yakima Indian Nation (con); Jeff Parsons, National Audubon Society; Judy Turpin, WEC