

SENATE BILL REPORT

SB 5207

As Reported By Senate Committee On:
Natural Resources & Parks, February 28, 1997

Title: An act relating to habitat conservation plans.

Brief Description: Concerning habitat conservation plans.

Sponsors: Senators Swecker, Oke, Stevens, Hargrove, Snyder, Haugen, Morton, Rossi, Roach and Anderson.

Brief History:

Committee Activity: Natural Resources & Parks: 1/30/97, 2/28/97 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Prentice, Roach, Snyder, Stevens and Swecker.

Staff: Vic Moon (786-7469)

Background: A habitat conservation plan (HCP) is a long-range planning effort authorized under the federal Endangered Species Act. The development of an HCP offers the applicant an avenue around the species act's general prohibition on the taking- of a species listed under the act as either endangered or as threatened. The idea behind the alternative avenue is that it may be acceptable under the act to allow activities that harm an individual species as long as a comprehensive long-range management plan exists to protect the species as a whole. Landowners initiate the development of a HCP and the HCP process is negotiated with the United States Fish and Wildlife Service or the National Marine Fisheries Service.

There is a provision in the state's forest practice rules that provides a special break from certain state requirements for lands covered by an approved HCP. The Forest Practices Board may establish by rule which forest practices should be included in each of four separate classes. The forest practice rules provide that lands upon which forest practices are covered by an approved HCP are not critical wildlife habitats or critical habitats for that species as long as the species is included in the HCP. Therefore, the class IV special forest practices permit requiring an environmental impact statement would not be required if an HCP covers the species and land in question.

Summary of Substitute Bill: The exemption to the Forest Practices Act class IV requirements to all private forest landowners who have an adopted and approved habitat conservation plan is broadened to include those adopted in 1996 and thereafter. The exemption is for endangered and threatened species.

Substitute Bill Compared to Original Bill: Rather than changing the date of the 1997 exemption, a new more limited exemption is given to private timber companies with a federally approved Habitat Conservation Plan.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: If habitat for endangered and threatened species is protected under contract with the federal government, duplicate requirements at the state level are not necessary to protect the environment.

Testimony Against: The exemption is too great.

Testified: PRO: David Crooker, Plum Creek Timber; John Warjone, Port Blakely Timber; CON: Scott Merriman, Environmental Council; Art Stearns, Department of Natural Resources.