
SUBSTITUTE HOUSE BILL 1022

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Buck, Johnson, Mitchell, McMorris, Talcott, Hickel, Chandler, Mastin, Lambert, Sheldon, Schoesler, Hatfield, Kessler, Mulliken, Honeyford, Thompson, Koster, DeBolt, D. Sommers, Carrell, L. Thomas, Dunn, Mielke, Clements, O'Brien and Doumit)

Read first time 01/21/97.

1 AN ACT Relating to the department of natural resources; adding a
2 new section to chapter 43.30 RCW; creating new sections; and declaring
3 an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** It is the intent of this legislation to
6 establish necessary oversight by the legislature and the governor
7 regarding long-range commitments made by the department of natural
8 resources in its management of state trust lands, particularly
9 commitments made with the federal government pursuant to the federal
10 endangered species act. It is important to reserve the legislature's
11 authority as ultimate trustee to set overall policy for the management
12 of the lands of the state and to maintain a watchful eye on the
13 decisions of the department affecting our trust lands.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30 RCW
15 to read as follows:

16 The department of natural resources is prohibited from entering
17 into any agreement and from making any commitment intended to induce
18 the issuance of a permit from the federal government which,

1 individually or together with any other agreement or commitment,
2 affects more than ten thousand acres of public and/or state forest land
3 for five or more years unless the department has obtained express
4 legislative and gubernatorial approval of the terms of such agreement
5 or commitment. Agreements and commitments to which this section
6 applies include but are not limited to conservation plans and
7 incidental take permits under 16 U.S.C. Sec. 1539, and all other
8 agreements, management plans, and "no-take" or similar letters relating
9 to the federal endangered species act. Approval must be in the form of
10 duly enacted legislation. Prior to seeking approval, the department
11 shall provide the legislature and governor with copies of all proposed
12 plans, agreements, and commitments, together with a complete analysis
13 demonstrating that the proposed agreement or commitment is in the best
14 interests of the trust beneficiaries.

15 NEW SECTION. **Sec. 3.** If, at the time this legislation is enacted,
16 the department of natural resources has entered into an implementation
17 agreement for a habitat conservation plan or any other similar
18 agreement or commitment under the federal endangered species act, the
19 department shall immediately exercise the provision in the habitat
20 conservation plan implementation agreement or other similar agreement
21 terminating the agreement and the plan. The department shall notify
22 the legislature immediately that it has taken this required action.

23 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

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