

HOUSE BILL REPORT

HB 2570

As Amended by the Senate

Title: An act relating to extending the time period for federal assurances related to the forests and fish report.

Brief Description: Extending the period of time for federal assurances with respect to the forests and fish report.

Sponsors: By Representatives Doumit, Sump, Buck and Hatfield.

Brief History:

Committee Activity:

Natural Resources: 1/29/02 [DP].

Floor Activity:

Passed House: 2/11/02, 94-0.

Senate Amended.

Passed Senate: 3/6/02, 39-0.

Brief Summary of Bill

- Extends the time for the federal government to issue an incidental take permit for the Forests and Fish Report in order to prevent a failure of assurances under this agreement.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Doumit, Chair; Rockefeller, Vice Chair; Sump, Ranking Minority Member; Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Staff: Bill Lynch (786-7092).

Background:

The Forests and Fish Report was presented to the Forest Practices Board and the Governor's Salmon Recovery Office in 1999 as a set of recommendations for developing a forestry module for the statewide salmon recovery strategy. This report was the impetus for the passage of ESHB 2091 in 1999.

ESHB 2091 was enacted on the premise that the requisite federal agencies would provide their approval to this legislation, and that additional restrictions outside of the Forests and Fish Report would not be necessary. Provisions for a failure of assurances were included within this legislation. Any interested person may contact the Governor and the Legislature if a failure of assurances has occurred. The Governor is required to review the information and determine if a failure of assurances has occurred, and submit a written report with recommendations to the Legislature if a failure has occurred. The Legislature would then take necessary action to modify the legislation or terminate the funding as it deems appropriate.

One of the grounds that constitutes a failure of assurances under this legislation is the failure of the federal agencies to issue a programmatic incidental take permit by June 30, 2003. The federal agencies had originally indicated that they would be able to develop this permit by this date. An incidental take permit provides protection for landowners, operators, and state and local governments from being sued for any incidental killing of species protected under the federal Endangered Species Act. The federal agencies responsible for issuing this programmatic incidental take permit will be unable to meet this 2003 deadline.

Summary of Bill:

The time period for the federal government to issue an incidental take permit for the Forests and Fish Report in order to prevent a failure of assurances under this agreement is extended from June 30, 2003 to June 30, 2005.

EFFECT OF SENATE AMENDMENT(S):

Specifies that the state will pursue a rule delineating federal assurances under the federal Endangered Species Act and concurrently develop a habitat conservation plan by June of 2005. Requires the Department of Natural Resources to report regularly to the Legislature on the program's progress and any new technical or legal issues that arise. Clarifies that the Forest and Fish agreement, Forest Practices Board rules, and small forest landowners provisions are all included in the timeline extension and are to be submitted collectively for federal review.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The parties who signed on to the forests and fish agreement are still

committed to its implementation. The state has a clearer idea of what is needed to obtain federal assurances, and this time extension should be sufficient. More time is needed because the agreement must go through the NEPA and SEPA review processes. The state may pursue an agreement under Section 10 of the Endangered Species Act to provide protections under the bill. Much of the necessary work has been done already.

Testimony Against: None.

Testified: Bill Wilkerson, Washington Forest Protection Association; and Pat McElroy, Department of Natural Resources.