

SENATE BILL REPORT

HB 2570

As Reported By Senate Committee On:
Natural Resources, Parks & Shorelines, February 28, 2002

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: Representatives Doumit, Sump, Buck and Hatfield.

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 2/20/02, 2/28/02 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Staff: Vic Moon (786-7469)

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 are not 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 must 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 then takes 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 are unable to meet this 2003 deadline.

Summary of Amended 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. The forest and fish agreement and the small forest landowner protections are affirmed. The Department of Natural Resources must report to the Legislature on the progress of the program.

Amended Bill Compared to Original Bill: The Legislature emphasizes importance of the state bringing forward a complete proposal to get assurances from the federal government relating to the Endangered Species Act. The Department of Natural Resources is to keep the Legislature informed on all federal and state actions and on any legal issues.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: More time is needed to get both assurances from the federal government and to develop a habitable conservation program.

Testimony Against: The current law is too restrictive for small forest landowners especially in the area of road plans and improvements.

Testified: PRO: Bill Garvin, WFPA; Pat McElroy, DNR; CON: Bill Pickell, WCLA.