

HOUSE BILL REPORT

SSB 5264

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to Mazama pocket gophers.

Brief Description: Requiring a study of Mazama pocket gophers.

Sponsors: Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Swecker and Sheldon).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/15/11 [DP].

Brief Summary of Substitute Bill

- Requires the Washington Department of Fish and Wildlife to conduct a biological status update of the Mazama pocket gopher and, if protection or management of the species is warranted, to submit a recovery plan to the Governor and the Legislature by December 1, 2012.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Hinkle, Kretz, Lytton, Orcutt, Pettigrew, Rolfes and Van De Wege.

Staff: Jason Callahan (786-7117).

Background:

Management of Protected Species.

The Fish and Wildlife Commission (Commission) is responsible for maintaining a list of protected and endangered species in Washington. "Endangered" species is defined as any wildlife species native to Washington that is seriously threatened with extinction throughout

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all or a significant portion of its range within the state. Protected species includes three subcategories:

- "threatened" means any wildlife species native to Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats;
- "sensitive" means any wildlife species native to Washington that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats; and
- "other" which is undefined.

With certain exceptions, the general procedure for listing a native wildlife species of Washington as protected requires the Washington Department of Fish and Wildlife (WDFW) to determine that a species is in danger of failing or declining, or is vulnerable and, if so, to conduct a preliminary species status report, and submit a final status report and listing recommendation to the Commission. The Commission may also request the WDFW to review a species of concern.

Before making a classification recommendation to the Commission, the WDFW must prepare a preliminary species status report that includes, but is not limited to:

- historic, current, and future species population trends;
- natural history, including ecological relationships (e.g., food habits, home range, habitat selection patterns);
- historic and current habitat trends;
- population demographics (e.g., survival and mortality rates, reproductive success) and their relationship to long term sustainability; and
- historic and current species management activities.

After the WDFW has provided at least 90 days for public review of their species status report, the WDFW must submit to the Commission a final status report and classification recommendation.

The WDFW must conduct a review of each endangered, threatened, or sensitive wildlife species at least every five years after the date of its listing. The review must include an updated species status report to determine whether the status of the species warrants its current listing or requires reclassification.

Mazama Pocket Gopher.

According to the WDFW's species status report, the Mazama pocket gopher (also known as *Thomomys mazama*) is a small burrowing rodent native to western Washington, western Oregon, and northern California. Found in Washington grassland and prairie habitats of mainly Clark, Mason, Pierce, and Thurston Counties, the subspecies can also be found in parts of Olympic National Park.

The Mazama pocket gopher has long nails and incisors, short brown fur, and measures eight inches in length (including its 2.5 inch tail) when fully grown. It lives underground and relies solely on a diet of vegetation. In addition, a Mazama pocket gopher has two fur-lined

pouches extending from the lower portion of its face to its shoulders that can be turned inside out. They are closely related to the kangaroo mouse, the kangaroo rat, and the pocket mouse.

The Washington population of the Mazama pocket gopher became a candidate for listing under the federal Endangered Species Act in 2002. In 2005 the WDFW submitted to the Commission a species status report recommending that the Mazama pocket gopher be listed as threatened due to a reduced population and habitat loss. The Commission listed the Mazama pocket gopher as threatened in 2006.

Summary of Bill:

The WDFW is directed to conduct a biological status update of the Mazama pocket gopher using existing resources and, if protection or management of the species is warranted, to submit a recovery plan to the Governor and the Legislature by December 1, 2012. The report must be based on the best available science and include:

- data on whether the population of Mazama pocket gophers are in danger of failing, declining, or are vulnerable due to disease, predation, exploitation, or habitat loss or change;
 - an analysis of the historic, current, and future population trends of the Mazama pocket gopher;
 - historic and current habitat trends of the Mazama pocket gopher;
 - population demographics and their relationship to long-term sustainability of the Mazama pocket gopher; and
 - historic and current species management activities of the Mazama pocket gopher.
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Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The pocket gopher species listing has been an issue since 2005 when the Commission listed the pocket gopher after only doing a literature review and surveying populations only on public lands. Anecdotal evidence strongly suggests that there are many more pocket gophers in Washington than the WDFW cites as evidence for their protection. No one can say how many pocket gophers there are and where their habitat is located.

Science should be consulted before a species is listed and be revisited to ensure that a species should continue to be protected. All sources of good information should be considered. There are unanswered questions as to whether the pocket gopher should still be listed. If there is any doubt as to the health of a species, the benefit of the doubt should be given to the

private landowner and restrictions should be eased. Other states have removed pocket gophers from their threatened lists as a result of new science.

Local critical area ordinances reflect the pocket gopher's listing and results in restrictions on land development. Property cannot be used because of pocket gophers, but taxes still must be paid on that property. Local restrictions are based on soil type, and not gopher presence, and significant portions of real estate must be set aside if the soil is present.

(Neutral) The original report supporting the listing of the pocket gopher appears to misrepresent the condition of the population. A species' population levels should be established before regulations are applied, and in this case the opposite occurred. The bill would be more valuable if local governments were prevented from enforcing regulations until the biological status update is complete.

(Opposed) None.

Persons Testifying: (In support) Senator Swecker, prime sponsor; John Stuhlmiller, Washington Farm Bureau; Vito Chiechi, Chiechi and Associates; Thomas Crowson; Jack Field, Washington Cattlemen's Association; Vic Kaufman, Kaufman Brothers Construction; Heather Burgess, Eisenhower and Carlson, PLLC; Kathy Stromseth; Alan Stromseth; Norman MacLeod, Gaelic Wolf Consulting; and Gordon Norquist.

(Neutral) Scott Roberts, Freedom Foundation; and Glen Morgan, Stop Taking our Property Thurston County.

Persons Signed In To Testify But Not Testifying: None.