

SENATE BILL REPORT

SB 5264

As Reported by Senate Committee On:
Natural Resources & Marine Waters, February 7, 2011

Title: An act relating to Mazama pocket gophers.

Brief Description: Requiring a study of Mazama pocket gophers.

Sponsors: Senators Swecker and Sheldon.

Brief History:

Committee Activity: Natural Resources & Marine Waters: 1/31/11, 2/07/11 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Majority Report: That Substitute Senate Bill No. 5264 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: Role of the Department of Fish and Wildlife (DFW). DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must preserve, protect, perpetuate, and manage fish and wildlife, including establishing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

State Threatened Species. The Fish and Wildlife Commission may classify a species as threatened, which means that the species is likely to become an endangered species in the foreseeable future. In turn, a species is considered endangered if it is seriously threatened with extinction throughout all or a significant portion of its range in the state. Such a listing requires DFW to:

- write a recovery and management plan for the species; and
- conduct a species status review of the species at least every five years after its listing. During the status review, DFW must also determine whether the status of the species should be reclassified.

Mazama Pocket Gophers. The Mazama pocket gopher is a small gopher found in western Washington, western Oregon, and northern California. According to a 2005 report from

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

DFW, Mazama pocket gophers are distributed in patches in open non-forested habitats in parts of western Washington. The center of abundance is in the prairies of Pierce, Thurston, and Mason counties, and the species can also be found in parts of the Olympic Mountains.

DFW issued a species status report for the Mazama pocket gopher in November 2005 that recommended the species be classified as threatened. The Fish and Wildlife Commission subsequently classified the Mazama pocket gopher as threatened in 2006.

Summary of Bill (Recommended Substitute): Directs DFW to Complete a Mazama Pocket Gopher Status Review and Management Plan. DFW must:

- conduct a biological status update of the Mazama pocket to determine if state protection of the species is still warranted;
- by December 2012, provide a report to the Governor and Legislature including specified status review information; and
- by December 2012, write a recovery plan for the Mazama pocket gopher, if state protection is warranted.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & MARINE WATERS COMMITTEE (Recommended Substitute): The proposed substitute bill removes language prohibiting local governments from enforcing critical areas ordinances to protect the Mazama pocket gopher while the Department of Fish and Wildlife completes a status update and recovery and management plan.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: Proponents of the bill want to allow meaningful development while DFW does its work to assess the Mazama pocket gopher population. Currently, landowners in gopher habitat have to pay for surveys and set asides. There is new information about population levels since the last study in 2005 that needs to be considered. Voluntary actions, mitigation areas, and habitat areas on public lands should be developed to avoid impacting private land.

CON: The Mazama pocket gopher is valuable as part of the ecosystem, and we must pay attention to its threatened status. Responsible county plans may help avoid a federal listing, which no one wants to see.

OTHER: DFW is currently working on a status review of the Mazama pocket gopher as part of recovery plan development. DFW is concerned about putting implementation of critical areas ordinances on hold while the agency completes its review, and a species decline could make recovery more difficult. There should be quality science and an attempt to achieve recovery by voluntary actions prior to the regulatory approach.

Persons Testifying: PRO: Heather Burgess, Eisenhower & Carlson, PLLC; Jack Field, WA Cattlemen's Assn.; Norman McLeod, Gaelic Wolf Consulting; Bill Pritchett; Rod Powell, citizens; Vic Kaufman, Kaufman Bros. Construction; John Stuhlmiller, WA Farm Bureau.

CON: Bill Robinson, The Nature Conservancy.

OTHER: Greg Schirato, Department of Fish and Wildlife; Scott Roberts, Evergreen Freedom Foundation.