**5959 AMS HATF S2420.1 - NOT FOR FLOOR USE**

**SB 5959** - S AMD **130**

By Senators Hatfield, Schoesler, Keiser, Rivers, Chase, Conway, Hewitt

**ADOPTED 3/5/2015**

On page 3, beginning on line 1, strike all of section 2 and insert the following:

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

(1) Within thirty days of the effective date of this section, the commissioner must withdraw the draft aquatic lands habitat conservation plan then under review by the United States fish and wildlife service and national marine fisheries service from further consideration by the federal agencies.

(2) Before adopting any habitat conservation plan covering aquatic lands, the department must complete the following:

(a) Consider the advantages and disadvantages of adopting the habitat conservation plan at issue;

(b) Facilitate a stakeholder engagement process, including a stakeholder advisory committee to assist in developing the plan and associated environmental impact documents. The stakeholder advisory committee shall meet regularly. The first meeting of the stakeholder advisory committee must include discussion of the advantages and disadvantages of adopting the habitat conservation plan at issue;

(c) Consult with affected federally recognized tribal governments;

(d) Collaborate with stakeholders, federally recognized tribes, and other interested parties to develop a list of priority science projects to be addressed in the adaptive management process created by the habitat conservation plan;

(e) Collaborate with the board to prepare budget information clearly identifying near-term and long-term implementation costs of the proposal, including recommended funding sources. The department must submit a funding request to the governor and the legislature for full implementation of the habitat conservation plan;

(f) Collaborate with the board, stakeholders, federally recognized tribes, and other interested parties to prepare a draft implementation rule, conduct a cost-benefit analysis, and draft a small business economic impact statement;

(g) Confer with the office of the attorney general to ensure the proposed habitat conservation plan protects both the department and its lessees from future liability under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.;

(h) Confer with the office of the attorney general to determine whether adoption of the habitat conservation plan will result in new regulatory conditions or costs for affected facilities or activities already permitted to "take" under the federal endangered species act; and

(i) Determine whether to adopt a habitat conservation plan by December 1st of any calendar year and consult with the appropriate policy and fiscal committees of the legislature during the immediately following legislative session. The department may not submit any habitat conservation plan for final approval by the federal government before the end of that regular legislative session."

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**ADOPTED 3/5/2015**

On page 1, beginning on line 3 of the title, after "resources;" strike "reenacting and amending RCW 43.30.411;" and insert "adding a new section to chapter 43.30 RCW;"

EFFECT: Removes the prohibition of HCPs related to overwater structures and log storage and requires DNR to: Withdraw the current HCP from federal review; convene an advisory committee of stakeholders; consult with tribal governments; estimate plan implementation costs; request funding from the governor and the legislature; develop a list of priority science projects; prepare a draft rule; conduct a cost-benefit analysis; draft a small business impact statement; confirm the HCP provides ESA "take" liability protection; determine whether the HCP will increase costs for entities or activities already shielded from the "take" prohibition; and consult with the legislature before entering a binding agreement with the federal government.