

**SB 5959 - S AMD 130**

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

**ADOPTED 3/5/2015**

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

3 "NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30  
4 RCW to read as follows:

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

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

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

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

20 (c) Consult with affected federally recognized tribal  
21 governments;

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

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

31 (f) Collaborate with the board, stakeholders, federally  
32 recognized tribes, and other interested parties to prepare a draft

1 implementation rule, conduct a cost-benefit analysis, and draft a  
2 small business economic impact statement;

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

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

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

**SB 5959 - S AMD 130**

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

**ADOPTED 3/5/2015**

19 On page 1, beginning on line 3 of the title, after "resources;"  
20 strike "reenacting and amending RCW 43.30.411;" and insert "adding a  
21 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.

--- END ---