
**Agriculture & Natural Resources
Committee**

HB 2069

Brief Description: Concerning agreements with the federal government, such as those available under the endangered species act, affecting the state's management of its natural resources.

Sponsors: Representative Blake.

Brief Summary of Bill

- Prohibits the Department of Natural Resources from officially entering into a habitat conservation plan or other multiyear agreement with the federal government under the Endangered Species Act if that agreement commits the state to future actions, or constrains future state options, relating to the management of aquatic lands as it affects overwater structures and log storage.

Hearing Date: 2/19/15

Staff: Jason Callahan (786-7117).

Background:

A habitat conservation plan (HCP) is a tool available to regulated parties under the federal Endangered Species Act (ESA). A HCP is a voluntary, long-term planning agreement between the federal government and a state, locality, private landowner, or other non-federal party that sets conditions under which certain actions are permitted to occur even though the actions may result in harm to an endangered species. A HCP commonly describes the effects the proposed actions will have on an endangered species, how those impacts will be minimized or mitigated, and how the mitigation will be funded. In addition, a HCP must provide elements which ensure any harm caused will be incidental and that the harm will not appreciably reduce the likelihood of the survival or recovery of the affected species.

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.

In return for agreeing to the provisions of a HCP, the non-federal party is eligible to receive an incidental take permit. This permit allows the non-federal party to proceed with the actions identified in the HCP with certainty that they will not be found in violation of the ESA. The incidental take permit makes the elements of the HCP binding. A violation of the incidental take permit may result in a violation of the ESA.

Summary of Bill:

The Department of Natural Resources (DNR) is prohibited from officially entering into a HCP or other multiyear agreement with the federal government under the ESA if that agreement commits the state to future actions, or constrains future state options, relating to the management of aquatic lands as it affects overwater structures and log storage. The DNR may still pursue other proprietary or legal options to achieve the same goals.

Appropriation: None.

Fiscal Note: Not requested.

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