
Technology & Economic Development Committee

HB 2300

Brief Description: Creating a legislative task force to provide economic relief for communities impacted by environmental protections of the marbled murrelet.

Sponsors: Representatives Blake, Walsh, Tarleton, Orcutt, Klippert, Doglio and Young.

Brief Summary of Bill

- Creates a legislative task force to identify economic impacts associated with the protection of marbled murrelets and potential state actions to improve economic vitality in counties impacted by the presence of marbled murrelets.

Hearing Date: 1/9/18, 1/10/18

Staff: Kirsten Lee (786-7133).

Background:

Federal Endangered Species Act.

The federal Endangered Species Act (ESA) provides protection for threatened and endangered species. An endangered species is a species in danger of extinction throughout all or part of its historic range. A threatened species is a species likely to become endangered within the foreseeable future. The ESA generally prohibits the take of protected species, which includes harassing, harming, or killing such species. The United States Fish and Wildlife Service (USFWS) has primary responsibility for ESA administration with regards to threatened and endangered wildlife.

In 1992 the USFWS listed the marbled murrelet as a threatened species in California, Oregon, and Washington. The marbled murrelet (*Brachyramphus marmoratus*) is a species of bird that resides along the Pacific Coast of North America.

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.

Habitat Conservation Plans.

A habitat conservation plan (HCP) is a tool available to regulated parties under the ESA. An 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. An 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, an 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.

In return for agreeing to the provisions of an 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.

In 1997, the State of Washington, through the Department of Natural Resources (DNR), entered into an HCP for the marbled murrelet on certain state trust lands.

State Lands.

The DNR manages a number of different categories of land on behalf of the State of Washington, each for a specific purpose and under different management requirements. These include approximately 3 million acres of state trust lands, which the United States granted to the State upon statehood. State trust lands are managed to provide revenue for common schools, state universities, buildings on the capitol campus, and correctional facilities. They also include more than 600,000 acres of state forest lands, which were acquired primarily through tax foreclosures in the 1920s and 1930s, and to a lesser extent through purchases by the state or gifts to the state. State forest lands are managed for the benefit of the counties in which the lands are located.

Summary of Bill:

The Habitat Conservation Program Damage Response Task Force is created as a legislative task force. The task force is co-chaired by the sponsor of the act and by an appointee of the majority leader of the Senate.

The task force is composed of voting and nonvoting members. The voting members are: one member from each of the two largest caucuses of the Senate and House of Representatives; a county commissioner from each county of the area impacted; a representative of an association representing farms and forests; a representative of a statewide association to protect forests; a representative of an association representing businesses reliant on tourism; at least one representative of a port in each county of the area impacted; a representative of entities involved in commercial fisheries in the area impacted; a representative of a chamber of commerce in each county of the area impacted; and a representative of the Indian tribe located along Willapa Bay. The nonvoting members are: the Governor or his designee; the Commissioner of Public Lands or her designee; a representative of the Department of Fish and Wildlife; a representative of the United States Fish and Wildlife Service; and a representative of the Department of Commerce.

The task force must take testimony on the following issues: economic impacts associated with the protection of marbled murrelets; barriers to development in areas subject to marbled murrelet protections; shifts in property tax burden associated with devaluation of land as a result of marbled murrelet protection; activities that could improve the economic vitality of impacted areas; and any other issues related to improved prosperity and government regulations related to marbled murrelets.

The task force must convene its first meeting by August 1, 2018, and submit its report to the Legislature by December 1, 2018. The task force must identify potential state actions to improve economic vitality in counties impacted by the presence of marbled murrelets. The report must also recommend any suggested changes to state policy, government rules, or statutes.

Staff support for the task force must be provided by Senate Committee Services, the House Office of Program Research, and state agency members of the task force. The expenses of the task force must be paid jointly by the Senate and the House of Representatives.

Appropriation: None.

Fiscal Note: Requested on January 10, 2018.

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