

# SENATE BILL REPORT

## EHB 2175

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As of February 21, 2018

**Title:** An act relating to natural resource management activities.

**Brief Description:** Concerning natural resource management activities.

**Sponsors:** Representatives Maycumber, Blake, Buys, Taylor and Shea.

**Brief History:** Passed House: 2/12/18, 98-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/20/18.

### Brief Summary of Bill

- Authorizes the Washington Department of Fish and Wildlife (DFW) to use the best available land management techniques to manage acquired lands and develop mitigation actions where appropriate.
- Allows DFW to use specific land management techniques without preparing an environmental impact statement.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Karen Epps (786-7424)

**Background:** DFW. DFW serves as manager of the state's fish and wildlife resources. As a part of its mandate to protect and preserve the state's fish and wildlife resources while providing recreational and commercial opportunities, DFW may acquire and manage state lands. DFW currently owns or manages about 1 million acres in 33 wildlife areas, along with 700 public water-access sites.

State Environmental Policy Act (SEPA). SEPA establishes a review process for state agencies and local governments to identify possible environmental impacts that may result from nonexempt government actions. The actions include project actions involving decisions on specific projects, such as the issuance of a permit, and nonproject actions involving decisions on policies and plans, including the adoption of land use plans and regulations. The information collected through the SEPA review process may be used to change a

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proposal to mitigate likely impacts, or to condition or deny a proposal when adverse environmental impacts are identified.

Provisions of SEPA generally require a project applicant to complete an environmental checklist. An environmental checklist includes, in part, questions about the potential environmental impacts of the proposal. This checklist is then reviewed by the lead agency—one agency identified as such and responsible for compliance with the procedural requirements of SEPA—to determine whether the proposal is likely to have a significant adverse environmental impact. This environmental threshold determination is made by the lead agency and is documented as either a determination of nonsignificance or a determination of significance. Some projects may require the preparation of an environmental impact statement. Certain actions are exempt from the SEPA requirements to submit an environmental checklist or to prepare an environmental impact statement.

**Summary of Bill:** DFW may manage its acquired lands using the best available land management techniques and must develop mitigation actions where appropriate. These techniques include:

- issuance or reissuance of grazing leases regardless of whether the land has been actively grazed;
- licenses or approvals to move firewood;
- issuance of leases for brush picking;
- periodic use of chemical or mechanical means to maintain public and recreational land, as long as the chemicals used are approved by the Washington Department of Agriculture and applied by licensed personnel; and
- issuance of right-of-way easements and use permits to use existing roads in nonresidential areas.

Land management activities under this authority are exempt from the requirement to prepare an environmental impact statement under SEPA.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill will allow DFW to use their best forest practices when mitigating heavy fuel loads before they become catastrophic fires. After a catastrophic fire, the acidity levels in the soils means that vegetation is not able to grow. Not managing vegetation prior to catastrophic fires has additional consequences, such as mudslides and the destruction of habitat. All acquired lands have undergone a SEPA process. This bill encourages DFW to be a good neighbor to the rural communities where DFW land is located. This bill encourages DFW to do good things with the land they have purchased. This bill will also give DFW flexibility to deal with weeds on their land.

OTHER: This bill will provide greater long-term certainty by moving SEPA exemptions from rule to statute, including the existing exemption for grazing. DFW closely manages over 50 grazing permits on over 90,000 acres to manipulate vegetation for the benefit of wildlife, to control weeds and other vegetation, to facilitate coordinated resource management, and support community character and economies while maintaining or improving ecological integrity. This bill allows for the development of mitigation for any impacts of grazing which is an important component of SEPA review. There are concerns about the SEPA exemption for grazing. Grazing can have very significant environmental impacts, including water quality issues and other problems associated with grazing. The grazing exemption is not linked to fire suppression and would apply to all grazing actions.

**Persons Testifying:** PRO: Representative Jacquelin Maycumber, Prime Sponsor; Tom Davis, Washington Farm Bureau.

OTHER: Cynthia Wilkerson, Lands Division Manager, Washington DFW; Bruce Wishart, Puget Soundkeeper.

**Persons Signed In To Testify But Not Testifying:** No one.