

HOUSE BILL REPORT

HB 2456

As Reported by House Committee On:
Transportation

Title: An act relating to ensuring connectivity for Washington wildlife through safe passages.

Brief Description: Ensuring connectivity for Washington wildlife through safe passages.

Sponsors: Representatives Timmons, Berry, Doglio, Walen, Ramel, Santos and Pollet.

Brief History:

Committee Activity:

Transportation: 1/29/24, 1/31/24 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Transportation and the Department of Fish and Wildlife (WDFW) to create, in consultation with various stakeholders, the integrated wildlife habitat connectivity strategy and to implement and periodically update the Washington wildlife habitat connectivity action plan.
- Creates the Washington Wildlife Corridors Account and the Washington Wildlife Crossings Account in the State Treasury, defines use of the authorized accounts, and allows these accounts to retain their earnings.
- Establishes requirements for the WDFW to implement and update the Washington wildlife habitat connectivity action plan.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Berry, Bronoske, Cortes, Doglio, Duerr, Entenman, Hackney, Mena, Nance, Ramel, Ramos and Wylie.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 6 members: Representatives Griffey, Klicker, Orcutt, Schmidt, Volz and Walsh.

Minority Report: Without recommendation. Signed by 7 members: Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chapman, Dent and Goehner.

Staff: David Munnecke (786-7315).

Background:

Vehicle-Wildlife Collisions.

On average, the Department of Transportation (WSDOT) receives 1,500 reports from law enforcement each year for wildlife-vehicle collisions. Wildlife carcass removal by the WSDOT suggests that a minimum of 5,000 collisions with deer and 200 collisions with elk occur each year, and collisions also occur with other large mammals and smaller wildlife such as raccoons, snakes, and squirrels. The WSDOT uses tactics such as wildlife fencing, crossings, and median barriers to encourage animals to stay off highways.

Habitat Connectivity.

The degree to which the landscape facilitates or impedes wildlife movement across the landscape is known as habitat connectivity. Wildlife need to move through the landscape for a variety of reasons, including food, protective cover, and in response to seasonal conditions. The WSDOT has partnered with the Department of Fish and Wildlife (WDFW) and other stakeholders on a statewide habitat connectivity assessment, which identified areas where wildlife require movement across highways, and the findings from this partnership have informed the WSDOT's projects statewide.

Connectivity Funding.

The 2021 federal Bipartisan Infrastructure Law provided \$350 million for the Wildlife Crossings Pilot Program (WCPP), which provides funding for projects that seek to protect motorists and wildlife by reducing collisions and improving habitat connectivity. In creating the WCPP, Congress found that there are more than 1 million collisions between vehicles and wildlife annually, which present a danger to human safety and wildlife survival, cost over \$8 billion, and result in approximately tens of thousands of serious injuries and hundreds of fatalities on United States roadways.

Treasury Income Account.

The Treasury Income Account (Account) is used to hold the earnings of investments of surplus balances from various accounts and funds of the State Treasury. Monthly, the State Treasurer distributes interest earnings credited in the Account to the General Fund. There are specific exceptions in which the interest earnings are not distributed to the General Fund, but are distributed to certain listed accounts and funds based upon each account's and

fund's proportionate share of the average daily balance for the monthly period.

Summary of Substitute Bill:

Integrated Wildlife Habitat Connectivity Strategy and Wildlife Habitat Connectivity Action Plan.

The WSDOT and the WDFW must develop an integrated wildlife habitat connectivity strategy (Strategy) in order to implement and periodically update the Washington wildlife habitat connectivity action plan (Action Plan), developed by the WDFW. In developing the Strategy, the WSDOT and the WDFW must consult with tribal governments, federal agencies, and nongovernmental partners representing nonprofit conservation organizations and academia, for recommending funding strategies and priorities to the Legislature, and developing agency budget requests. The Strategy should include the following objectives:

- help advance projects that provide safe passage for wildlife and the traveling public;
- enhance or maintain ecological connectivity for Washington's fish and wildlife species;
- bring together state and federal agencies, tribal governments, and various nongovernmental partners that represent academia, nonprofit organizations, and biological and engineering sciences in the furtherance of this purpose; and
- establish a framework for prioritization, oversight, and funding recommendations related to implementing the Action Plan.

The WDFW must take the following actions to implement the Action Plan:

- develop strategies for habitat protection and restoration in priority corridors through various actions including making recommendations and developing cost estimates on the purchase of conservation easements by the department or other appropriate state agencies or nonprofit land trusts, incorporation of mapped connectivity corridors in the priority habitats and species program, providing county planning departments with appropriate habitat connectivity data to support the development of and updates to comprehensive plans and open space policies, and conducting outreach and education with private landowners;
- update the Action Plan every six years through the incorporation of new information and stakeholder consultation; and
- prepare biennial reports to the Legislature on implementation of the Action Plan and associated funding needs.

Washington Wildlife Corridors and Washington Wildlife Crossings Accounts.

The Washington Wildlife Corridors Account and the Washington Wildlife Crossings Account are created in the State Treasury for use by the WDFW and the WSDOT, respectively. The WDFW is authorized to use funds from the Washington Wildlife Corridors Account for implementation of strategic activities that promote the protection and management of wildlife corridors identified in the Action Plan, which includes various enumerated activities. The WSDOT is authorized to use funds from the Washington

Wildlife Crossings Account for the design, construction, identification, restoration, and protection of wildlife crossings and other highway features to reduce wildlife-vehicle collisions, which includes various enumerated activities. The WSDOT and the WDFW must report on expenditures from their respective accounts and how the expenditures have furthered the Action Plan by June 30 of each even-numbered year beginning in 2026.

The Washington Wildlife Corridors and the Washington Wildlife Crossings Accounts are added to the list of accounts that receive interest earnings monthly from the Account.

Substitute Bill Compared to Original Bill:

The substitute bill removes provisions related to establishing a memorandum of understanding to create the Washington Wildlife Habitat Connectivity Alliance (Alliance), but largely retains the Alliance's objectives for the WSDOT and the WDFW to follow in creating, in consultation with various stakeholders, the Strategy. In developing the Strategy, the WSDOT and the WDFW must consult with tribal governments, federal agencies, and nongovernmental partners representing nonprofit conservation organizations and academia, for recommending funding strategies and priorities to the Legislature, and developing agency budget requests. The Strategy should include the following objectives:

- help advance projects that provide safe passage for wildlife and the traveling public;
- enhance or maintain ecological connectivity for Washington's fish and wildlife species;
- bring together state and federal agencies, tribal governments, and various nongovernmental partners that represent academia, nonprofit organizations, and biological and engineering sciences in the furtherance of this purpose; and
- establish a framework for prioritization, oversight, and funding recommendations related to implementing the Action Plan.

The substitute bill also expands uses of the Washington Wildlife Corridors and Washington Wildlife Crossings accounts, makes various technical changes, makes changes to conform with other requirements in the bill, and expands reporting requirements.

The substitute bill removes requirements for the WSDOT relative to the implementation of the Action Plan, and states that nothing in the section regarding the actions that the WDFW must take to implement the Action Plan conveys additional authority to the WDFW regarding regulation of land use.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 31, 2024.

Effective Date of Substitute Bill: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(In support) It is common sense to leverage federal funds for the purposes in this bill. There are 1,500 reports every year regarding wildlife collisions, and this bill would help with the safety of people and wildlife. There is currently a \$100 million per year cost to wildlife collisions in Washington.

Washington already has success with wildlife crossing structures, and this bill would allow for more of them to be built, potentially with federal funds that require a 20 percent match. Washington already has wildlife crossings on Interstate 90 and elsewhere, which are beneficial, but more are needed.

The Action Plan in this bill would help with building more crossings. The Senate Substitute Bill removes the Alliance and instead directs cooperation, while also clarifying that the bill gives the WDFW no additional authority. Everything in the bill is voluntary.

Whatcom County collects data regarding wildlife collisions, which also provides data regarding the location of wildlife crossings. Limited connectivity cuts off wildlife from habitat and each other. This bill is essential for reducing injuries and deaths by providing connections for wildlife.

The federal wildlife crossing funding has already funded two projects in Washington, on State Routes 12 and 20. The State Route 20 project received \$8.5 million to create a wildlife crossing.

The creation of the Action Plan was funded in this current biennium because connectivity is even more important due to climate change. This bill will help protect wildlife and reduce collisions.

Conservation and connectivity go together. Washington's population density is high, so there are many wildlife collisions on the roads. These same roads also prevent wildlife from moving through the landscape. One herd of deer in Washington migrates 65 miles twice a year to move between its summer and winter habitat.

Safe crossings are needed for mountain lions or cougars. Roads limit cougars' range and mating and can lead to endangerment. Genetic diversity has fallen among Olympic Peninsula cougars because there is no gene flow.

Nearly all western states are passing bills to assist with wildlife connectivity. Fifty million dollars were spent in the western United States on wildlife crossings in 2023. Colorado has built 70 crossings and used state funds to provide a match for \$22 million in federal funding for them.

(Opposed) None.

(Other) The WSDOT has a longstanding habitat connectivity program. The first time that the WSDOT and the WDFW worked together on this issue was in 1970. This bill would allow for the continuation of this work, and the Senate substitute bill resolves the problems with the current bill.

The WSDOT is prepared to deal with wildlife crossing issues when funding is available. Federal funding is the best opportunity for building projects.

Persons Testifying: (In support) Representative Joe Timmons, prime sponsor; Marie Neumiller, Congressional Sportsmen's Foundation; Paula Swedeen, Conservation Northwest; Julia Michalak, Washington Department of Fish and Wildlife; Susan D. Kane-Ronning, Washington Sierra Club Wildlife Committee; Josh Rosenau, Mountain Lion Foundation; John Rosapepe, Endangered Species Coalition; and David Ellenberger, Wildlands Network.

(Other) Amir Nizam, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.