
SUBSTITUTE HOUSE BILL 1009

State of Washington

62nd Legislature

2011 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Chandler, Blake, Takko, Kretz, Taylor, Orcutt, McCune, and Pearson)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the authority of state agencies to enter into
2 agreements with the federal government under the endangered species
3 act; adding a new section to chapter 77.12 RCW; adding a new section to
4 chapter 43.30 RCW; adding a new section to chapter 43.21A RCW; and
5 adding a new section to chapter 79A.05 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW
8 to read as follows:

9 (1) Before the department seeks or dedicates funding to develop a
10 new habitat conservation plan under the endangered species act, 16
11 U.S.C. Sec. 1531 et seq., or to develop a major amendment to an
12 existing habitat conservation plan, the department must consult with
13 the appropriate committees of the legislature and solicit the
14 suggestions and recommendations of the committees.

15 (2) Consultation with the legislature under this section must
16 include the provision of information relating the proposed habitat
17 conservation plan or major amendments and an offer to publicly brief
18 the appropriate legislative committees on the plan or amendments. The
19 information provided must include, at a minimum:

1 (a) The purpose and rationale of the habitat conservation plan or
2 amendments;

3 (b) The activities and species to be covered by the habitat
4 conservation plan;

5 (c) The timeline and scope of the habitat conservation plan; and

6 (d) The planned public process for habitat conservation plan
7 development.

8 (3) The department and the legislative committees must develop a
9 mutually agreeable timeline for the continued consultation after the
10 initial presentation of information. The department shall carefully
11 consider the comments and recommendations of the legislature when
12 negotiating with the federal agencies, affected parties, and interested
13 stakeholders.

14 (4) This section applies both prospectively and to habitat
15 conservation plans under development on the effective date of this
16 section.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30 RCW
18 under the subchapter heading "PART 5" to read as follows:

19 (1) Before the department seeks or dedicates funding to develop a
20 new habitat conservation plan under the endangered species act, 16
21 U.S.C. Sec. 1531 et seq., or to develop a major amendment to an
22 existing habitat conservation plan, the department must consult with
23 the appropriate committees of the legislature and solicit the
24 suggestions and recommendations of the committees.

25 (2) Consultation with the legislature under this section must
26 include the provision of information relating the proposed habitat
27 conservation plan or major amendments and an offer to publicly brief
28 the appropriate legislative committees on the plan or amendments. The
29 information provided must include, at a minimum:

30 (a) The purpose and rationale of the habitat conservation plan or
31 amendments;

32 (b) The activities and species to be covered by the habitat
33 conservation plan;

34 (c) The timeline and scope of the habitat conservation plan; and

35 (d) The planned public process for habitat conservation plan
36 development.

1 (3) The department and the legislative committees must develop a
2 mutually agreeable timeline for the continued consultation after the
3 initial presentation of information. The department shall carefully
4 consider the comments and recommendations of the legislature when
5 negotiating with the federal agencies, affected parties, and interested
6 stakeholders.

7 (4) This section applies both prospectively and to habitat
8 conservation plans under development on the effective date of this
9 section.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A RCW
11 to read as follows:

12 (1) Before the department seeks or dedicates funding to develop a
13 new habitat conservation plan under the endangered species act, 16
14 U.S.C. Sec. 1531 et seq., or to develop a major amendment to an
15 existing habitat conservation plan, the department must consult with
16 the appropriate committees of the legislature and solicit the
17 suggestions and recommendations of the committees.

18 (2) Consultation with the legislature under this section must
19 include the provision of information relating the proposed habitat
20 conservation plan or major amendments and an offer to publicly brief
21 the appropriate legislative committees on the plan or amendments. The
22 information provided must include, at a minimum:

23 (a) The purpose and rationale of the habitat conservation plan or
24 amendments;

25 (b) The activities and species to be covered by the habitat
26 conservation plan;

27 (c) The timeline and scope of the habitat conservation plan; and

28 (d) The planned public process for habitat conservation plan
29 development.

30 (3) The department and the legislative committees must develop a
31 mutually agreeable timeline for the continued consultation after the
32 initial presentation of information. The department shall carefully
33 consider the comments and recommendations of the legislature when
34 negotiating with the federal agencies, affected parties, and interested
35 stakeholders.

36 (4) This section applies both prospectively and to habitat

1 conservation plans under development on the effective date of this
2 section.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 79A.05 RCW
4 to read as follows:

5 (1) Before the commission seeks or dedicates funding to develop a
6 new habitat conservation plan under the endangered species act, 16
7 U.S.C. Sec. 1531 et seq., or to develop a major amendment to an
8 existing habitat conservation plan, the commission must consult with
9 the appropriate committees of the legislature and solicit the
10 suggestions and recommendations of the committees.

11 (2) Consultation with the legislature under this section must
12 include the provision of information relating the proposed habitat
13 conservation plan or major amendments and an offer to publicly brief
14 the appropriate legislative committees on the plan or amendments. The
15 information provided must include, at a minimum:

16 (a) The purpose and rationale of the habitat conservation plan or
17 amendments;

18 (b) The activities and species to be covered by the habitat
19 conservation plan;

20 (c) The timeline and scope of the habitat conservation plan; and

21 (d) The planned public process for habitat conservation plan
22 development.

23 (3) The commission and the legislative committees must develop a
24 mutually agreeable timeline for the continued consultation after the
25 initial presentation of information. The commission shall carefully
26 consider the comments and recommendations of the legislature when
27 negotiating with the federal agencies, affected parties, and interested
28 stakeholders.

29 (4) This section applies both prospectively and to habitat
30 conservation plans under development on the effective date of this
31 section.

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