



This week was "Cut-Off" for all policy bills

Our Audubon energy was at an all-time high this week as we scrambled to get our favorite bills out of committee... or keep those we opposed in committee. We worked hard this week because it was the "cut-off" for all policy bills to move from their original committee to either rules or fiscal committees. Several bills passed out of committee that we still oppose. On a positive note, there are some bills moving that help protect birds and their habitat. Please read on and contact your legislators about these bills.

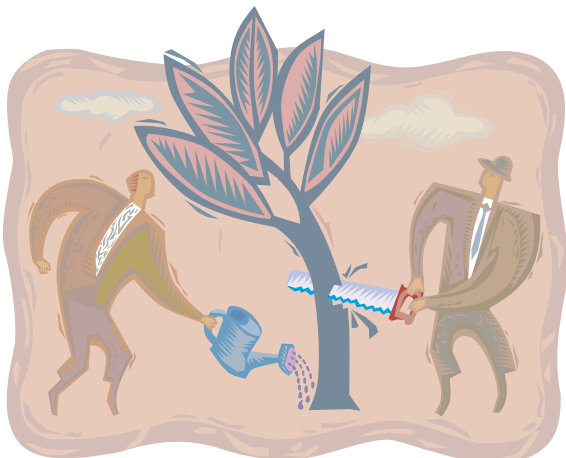
Environmental Education

HB 1466 and SSB 5079 – Environmental Education Partnership Fund

Position: Support (SB 5079 passed the full Senate unanimously on 3/6. HB 1466 Passed unanimously out of House Education Committee on 2/24 and House Appropriations Committee on 3/6)

SSB 5079 has passed the senate unanimously! With refined and improved language and new supporters, including the Farm Bureau, the Partnership Fund has a very good chance at passage this session. HB 1466 should be pulled from the House Rules Committee this week or early next week. We will keep you posted.

Please call the toll-free legislative hotline (800-562-6000) and leave a message for your representatives and tell them to support HB 1466 today!



Wildlife and Habitat Protection

HB 1968 – Allowing the use of body-gripping traps under certain circumstances (Animal Trapping)

Position: Support (Died in House Fisheries, Ecology and Parks)

HB 1968 clarified that gophers, moles and mountain beavers could be trapped. It solved the confusion from the Trapping Initiative, but the bill did not make it out of the House committee.

SB 5179 – Allowing the use of body-gripping traps under certain circumstances

Position: Opposed (Passed the full Senate: 37 yeas; 12 nays)

SB 5179 was voted out of the Senate on 3/6. This bill reinstates a sound furbearer management program, administered by WDFW to address animal damage issues. The program would certify trappers who would be available to control problem animals. Audubon still disagrees with language that states, "trapping can be a valuable commercial activity when consistent with sound furbearer management". Audubon does not support commercial trapping activities.

HB 2099 – Banning Lead Shot in Washington State

Position: Support (Died in House Fisheries, Ecology and Parks Committee)

On January 23, 2003 the Seattle PI ran a news article about Trumpeter Swan deaths in the Skagit Valley. The cause of death is lead poisoning from old lead shot that is still found on waterfowl hunting areas. For example, in the 85 acre Skagit Wildlife Area, WDFW calculated that 6.8 tons of lead are in the top 4 inches of soil. Likewise, in Clallam County's 35-acre Voice of America pheasant release site, WDFW estimated that 1.5 tons of lead can be found in the top 5 inches of soil.



Immediately following the article, Rep. Ruth Kagi (D-32nd– Shoreline in North Seattle) researched the problem and introduced HB 2099 banning lead shot from our state. The bill received a hearing, but was not voted out of committee because WDFW already has legal authority to ban lead, although they do it on case-by-case basis. Audubon and Rep. Kagi are requesting more support for WDFW's swan mortality studies. Specifically, we are asking for:

- \$ 35, 000 to continue swan mortality monitoring in the Skagit Valley
- \$ 50,000 for continued and enhanced soil sampling for lead deposition.

The studygoal is to identify lead “hot spots” or high-density lead areas to determine source of lead and eventually clean up the sites. Clean up funding would need to come from other sources in the future.

HB 1411 – Using revenues under county conservation futures levy

Position: Support (*Passed out of House Local Govt. 3/5 – in House Finance Committee*)

Rep. Bill Fromhold (D – 49th District – Vancouver) is the prime sponsor of this bill that Audubon wholeheartedly supports because it encourages counties to use Conservation Futures as a tool to preserve lands of public interest for future generations. The substitute bill increases the allowable levy for county conservation futures from 6.25 cents to 10 cents per \$1,000 of assessed valuation. The bill requires funds to be used to maintain and operate property acquired with the funds. It also imposes limits on the use of levy funds for maintaining and operating park and recreational facilities. The county commissioners in counties with more than 100,000 residents are required to develop a process to eventually distribute conservation futures levy funds throughout the county. Contact your legislators to move this bill out of Finance Committee and onto the House Floor.

Forest Practices

HB 1260 – Concerning environmental impact statements on certain state trust lands.

Position: Oppose (*Passed out of House Agriculture and Natural Resources 3/4 – in House Rules Committee*)

This bill would exempt state trust lands timber sales from SEPA for Class I, II, and III forest practices. The argument in favor of this bill is that DNR lands in Western Washington have already gone through a Habitat Conservation Planning process and a ten-year sustained yield plan. Consequently, having to complete SEPA would be the third time a parcel is under environmental review. Unfortunately, we cannot support this bill because it represent a very significant loss of environmental review for specific sites and the cumulative effects. We also lose open government decision-making and perhaps most importantly, an opportunity for comment by the public including neighbors adjacent to DNR lands, tribes, local governments and other agencies such as WDFW.

We believe that DNR timber sales should remain subject to SEPA because they are a significant agency action and are recognized to have potentially broad impacts; this fact was reviewed and reaffirmed in the 1980s SEPA rules revisions. The only existing exemption is for sales smaller than 20 acres and less than \$100,000 in value. (See WAC 332-41-833 and RCW 79.01.200).

As far as our forest experts recall, DNR has done SEPA reviews on all its timber sales since 1979 (with the exceptions for small/low value sales described above.) DNR is already completing SEPA reviews and has taken no position on this bill.

House Concurrent Resolution 4405 – Creation of the Legacy Trust for Recreation and Conservation.

Position: Support (*Passed out of House Agriculture and Natural Resources 3/4 – in House Rules Committee*)

Early in the session, Commissioner Doug Sutherland proposed creating a new trust program to protect and manage more state land for recreation and conservation purposes. His overall proposal is sound, but the devil is in the details. Funding for the new trust was not identified, management of the new trust lands was not clear and which properties would be bought for revenue or preservation purposes was not clear. Several land acquisition organizations were opposed to the Commissioners original idea. Rep. Kelli Linville wisely changed the original bill to a yearlong study. Audubon supports House Concurrent Resolution 4405 that establishes a Joint Select Committee to discuss questions raised about the Legacy Trust proposal. Recommendations are due back to the 2004 Legislature on how to proceed with a most worthy idea from Commissioner Doug Sutherland.



SeaTac Land Fill

SHB 1876 – Protecting water quality

Position: Oppose (*Passed out of House Agriculture and Natural Resources 3/4 – in House Rules Committee*)

Opposing this bill does not mean we are opposing the Third Runway. We are simply saying that fill used for the runway should be clean. The substitute House Bill replaces specific references to Ecology regulations about testing fill material with more general reference about leaching tests for soil clean-up regulations under the Model Toxics Control Act. The substitute bill now allows (rather than requires) Ecology to use leaching tests. It also removes a reference to limiting the application of these tests to projects more than 2 million cubic yards of fill material. In spite of these changes, we still oppose the bill because it attempts to circumvent a legitimate appeal process through the Pollution Control Hearings Board.

Growth Management

SB 5354 – Granting additional deference to local planning decisions

Position: Oppose (*Passed out of Senate Land Use 1/31 – On Floor Calendar*)

The bill would give deference to local planning decisions over state agency studies or guidance. It requires that “a growth management hearings board shall find compliance with the statute unless it determines that the action by the state agency, county, or city is arbitrary and capricious.” The current standard is that the appellant must prove a violation of the GMA by “substantial evidence on the record.” This bill will increase the burden on people appealing city and county comprehensive plans and regulations and make it more difficult to get plans and regulations to comply with the GMA.

SB 5658 – Concerning use of the best available science under the growth management act

Position: Oppose (*Passed out of Senate Land Use 2/24*)

This legislation would change the best available science (BAS) requirement used in the adoption and update of critical areas regulation from a substantive requirement to a mere procedural one. It would also allow the use of “theoretical” science that is not based on the local environment. SB 5658 would return us to a system of speculation and surmise, resulting in much damage to fish, wildlife, and water quality and the quality of life that keeps people and businesses in Washington State.

SB 5282 – Eliminating growth management hearings boards

Position: Oppose (*Passed out of Senate Land Use 1/31*)

This legislation would eliminate growth management hearings boards, sending all appeals of local government decisions relating to development regulations or comprehensive plans, as well as OFM population projection adjustments, to Superior Court. Superior Courts do not have the time, resources or expertise for this job.

SB 5160 – Authorizing certain counties to withdraw from the growth management act

Position: Oppose (*Passed out of Senate Land Use 2/17*)

Would allow counties east of the Cascade Mountains, north of I-90, with a population of less than ten thousand, and a taxable land base of fifteen percent or less, to remove themselves from planning under the GMA. Growth management has important benefits for small, economically disadvantaged counties.

SB 5507 – Clarifying who has standing regarding growth management hearings board hearings

Position: Oppose (*Passed out of Senate Land Use 2/24*)

This bill would hinder citizen participation and make the planning process very legalistic. It requires citizens to prepare extensive written comments to protect their appeal rights, burdening public participation and the planning process since cities and counties will then have to respond to all of these writings.

Shoreline Protection

HB 1769 Shoreline Master Plan Schedule and Funding

Position: Support (*Passed out of House Local Government Committee 3/5/03*)

In December 2002, after seven years of political gridlock and lawsuits, a settlement was reached between the government, business, and environmentalists to improve agency guidelines to the state’s Shoreline Management Act. HB 1769 establishes a schedule for local governments to develop or amend their local shoreline master plans, and eliminates limits on grants authorized and administered by the Department of Ecology to local governments for shoreline master program development.



The bill calls for updated local shoreline plans that will protect our water quality, fish and wildlife habitat, recreation opportunities and our quality of life.

Passage of HB 1769 ensures implementation of SMA and will protect shorelines and riparian areas which are highly valued for breeding and feeding habitat for shorebirds and waterfowl. Implementation of the SMA also ensures critical protections to clean water in Washington.

Audubon and our partners in conservation are working hard to see that the House passes HB 1769, but we can't do it alone. We need your help! Please contact your State Representative today and urge them protect our beaches, lakes, rivers, and bird and wildlife habitat throughout the state by supporting HB1769. With the vote just weeks away, please contact your lawmakers today and tell them to support HB 1769!

Skagit Valley Farm and Migratory Bird Lands

SHB 1418 – An act relating to drainage infrastructure.

Position: Support (*Passed out House Agriculture and Natural Resources on 3/ 4 and referred to House Appropriations*)

Audubon worked with Skagit Valley farmers on this bill to help resolve a difficult situation. As we all know, salmon habitat restoration is high priority for WDFW. When WDFW staff have issued Hydraulic Application Permits in the Skagit Valley, they tend to include changes in tide gate operations to enhance salmon recovery. However, the Skagit Valley farmers are worried that too much upland habitat (including bird habitat!) may be turned into saltwater marshes. To help move away from a situation of "us vs. them", we worked out a four part solution that:

1. Gives the farmers certainty about preserving farmlands by not requiring self-regulating tide gate, through the HPA process without the farmer's consent;
2. Exempts tide gates or flood gates from the statutory fish passage requirements;
3. Creates a task force of 13 members to address issues related to agricultural drainage systems (this task force will include an environmentalist from the Skagit Valley); and

4. Requires the WDFW to create a salmon habitat restoration plan for all public lands in Skagit County.

Audubon thinks this bills sets up the right process for discussing complicated farm, wildlife, bird and salmon issues. We are pleased that Rep. Quall and the members of the House Agriculture committee moved this bill out of committee.

What about the Feds? Federal Environmental Deregulation

Wetlands and Clean Water Act—Under Attack— Comments Needed by April 16th!

The Army Corps of Engineers and the Environmental Protection Agency released a damaging proposal that would redefine more than 20 million acres of the nation's wetlands out of existence by eliminating federal protection of certain non-navigable, isolated, intrastate waters. <http://www.epa.gov/fedrgstr/EPA-WATER/2003/January/Day-15/w960.htm>

In Washington State, 60-80% of the wetland acreage in the Spokane area, 30-60% of all eastern Washington wetlands and 10-20% of all western Washington wetlands would be redefined out of existence and left unprotected.

One-third of the 1,900 North American bird species rely upon wetlands for some part of their life. The nation has already lost half its wetlands, resulting in pollution, erosion, flooding, and other environmental and economic damage.

Contact the EPA by April 16, 2003, and ask them to withdraw the proposed rule because:

1. We continue to lose about 100,000 acres of wetlands annually and our wetlands are not "over-regulated" they are under-protected.
2. Protect wetlands and streams to the full extent of the Clean Water Act is necessary to maintain water quality, protect local economic vitality, conserve birds, fish, and other wildlife, and pass on a healthier world to our children.

Send comments to: Water Docket, EPA, Mailcode 4101T, 1200 Pennsylvania Ave, N.W. Washington, D.C. 20460 **OR** CWAwaters@epa.gov.



And...as always you can track and take action on Federal Issues at Audubon's Take Action website: <http://www.capitolconnect.com/audubon/>

Wind Power

SHB 1544 – Concerning energy efficiency and renewable energy standards.

Position: Unknown (SHB 1544 voted out of House Technology Committee into House Appropriations)

The substitute bill is not as strong as the original bill. Audubon is waiting to hear from NW Energy Coalition about whether we can support the substitute. SHB 1544 establishes an energy conservation efficiency and renewable standard called a “diversity” standard. By 2009 utilities must have at least 5% of their power coming from “alternative sources” including such sources as solar, wind, or “qualified” hydropower. More on this bill after NVEC analyzes the substitute.

HB 1775 – Establishes task force on operational, economic, and regulatory obstacles to renewable resources development.

Position: Support with amendments (Bill died in House Technology Committee)

This bill states there is a need to examine the viability and feasibility of wind generation by identifying and assessing the operational, economic, and regulatory obstacles to its growth and utilization. Audubon supports the bill only with amendments including the need to study the effects of wind power on migrating birds and the monitoring requirements for wind power farms.

Audubon's Operating Budget Requests

Audubon is coordinating with other conservation organizations to increase the overall environmental budget through fees for services and reducing some programs where necessary. However, Audubon is specifically concerned about funding these programs:

I. Shore Bird and Marine Bird Monitoring (\$402,000)

Governor Locke's WDFW budget has \$402,000 “to investigate and begin addressing the reductions in marine bird populations”. Specifically, this means WDFW will carry out the Puget Sound Ambient Monitoring (PSAMP)

program including marine bird surveys and monitoring work. Audubon supports the Governor's budget request.

2. Trumpeter Swan Deaths from Lead Shot (\$85,000)

With the failure to pass HB 2099, “Prohibiting Lead Shot in Washington”, the Legislature should enhance WDFW's FY03-05 budget to continue studying lead poisoning of swans in Skagit County. The funding will be used to identify lead “hot spots” or high-density lead areas to determine source of lead and eventually clean up the sites. Specifically, WDFW will use:

- **\$ 35, 000** to continue swan mortality monitoring in the Skagit Valley and,
- **\$ 50,000** for continued and enhanced soil sampling for lead deposition.

3. Spartina Control Funding (\$1.8 million)

Controlling the invasive weed, *Spartina*, is of paramount importance for oyster growers, bird habitat and nature tourism in Willapa Bay and north Puget Sound. In 2002, Audubon successfully worked with Congressman Norm Dicks for an annual \$1 million appropriation in Interior's budget. State funds must be found to match the federal funding or it will be lost! Audubon is requesting **\$1.8 million** from the Aquatic Lands and Enhancement Account (ALEA) for “on-the-ground” spartina control in FY03 - 05.

NEXT Week's Schedule

Most committees will not meet next week because they have passed out bills originating in their committee. Now they are waiting to receive bills from “the other side”. For example, the House Agriculture Committee will hear Senate bills on school land uses; changing the boundaries of WRIA 40 and small irrigation impoundments. No meetings are scheduled in the Senate except Highways and Transportation will meet on March 10, but their agenda is yet to be announced.





Environmental De-Regulation

Quick update on bills

Bill Number Title/Subject

HOUSE

1007	Permitting Bill of Rights
1307	Agency Rules burden of proof/delays
1309	Agency Rules Authority
1310	Business Notification by Agencies
1311	Court Action in Thurston County
1312	Government Rule-Making Authority
1313	Burden of Proof During Rule Review
1314	Rule Review Procedures
1315	Agencies Exceeding Federal Standards
1334	Cost-benefit Analysis in Rule-Making
1530	Change of Venue for appeals
1531	Gov's Signature
1550	Office of Reg.Assistance
1877	Rates and Fees

Current Status

Appropriations
DEAD
DEAD
Appropriations
DEAD
DEAD
DEAD
DEAD
DEAD
Senate Govt. Ops
Rules 2nd
Rules
Senate Govt. Ops
DEAD

Audubon's Position

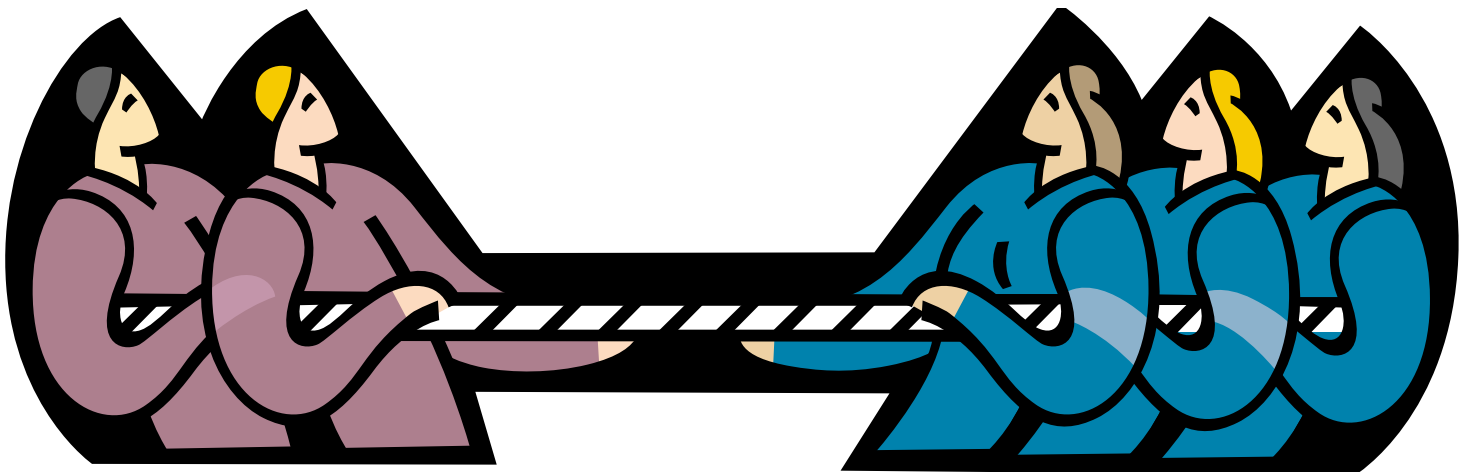
CON
CON
CON
Neutral
CON
CON
CON
CON
CON
PRO Passed House 96-0
CON
Neutral
PRO Passed House 96-0
CON

SENATE

1526	Cost reimbursement agreements
5052	Delay Sig. Leg. Rules
5053	Fed. Minimum Standards
5054	Provide Business with Notice
5254	Burden of Proof Shifting
5255	Specific Grants of Authority
5256	Revising Rulemaking Procedures
5655	Fed. Minimum Standards
5694	Integrated Permit System

Rules 2nd
Rules 2nd
Ways & Means
DEAD
2nd Reading
H St. Govt.
H St. Govt.
Ways & Means
Ways & Means

Unknown as of today
CON
CON
Neutral
CON
CON Passed 32-16
Neutral Passed 48-1
CON
Unknown as of today





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Olympia WA 98504-0600

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