



## This week was yet another "Cut-Off" for all policy bills

March 19<sup>th</sup> was the final day for each chamber to vote on its own bills and then send them to the opposite chamber. This "cut off" date reduces the number of policy bills that are now alive. Bills necessary to implement the budget are not subject to this cut-off and will be introduced in the next two weeks. Audubon is tracking over 50 policy bills. We've highlighted the most critical bills that relate to birds, wildlife and their habitat.

In this issue of BEV, you will also find information about federal environmental activity and Audubon Washington's upcoming Critical Areas Ordinances workshops.

### BUDGET FORECASTS

Bad news about the war in Iraq, high gas prices and our state's recession just got worse on Thursday March 20 when budget forecasts predicted another \$238.3 million drop in revenues for the coming 2 year budget cycle. This means legislators must talk about tax increases and more cuts to state programs.

Audubon is asking legislators to be courageous and impose fees and close tax exemptions. For example, legislators could vote to charge a fee for hydraulic application permits (HPAs) and to increase fees for water right permits. HPAs are now free and water right permits cost only \$10, same price as in 1917. Legislators should also look at the \$3 million gas tax exemption for motor vehicle fuel lost during handling. (Yes, when gas evaporates at the gas station pump or when it is loaded into trucks, the state loses \$3 million per year in revenue. The money literally evaporates into thin air!)

Without tax increases and stopping tax exemptions, the Legislature will have to make deep cuts to all programs. Our experience has shown that environmental protection programs suffer disproportionate reductions compared to other government services. Tell your legislators that the only way to balance the budget is to raise revenue as well as make moderate cuts.

Both House and Senate budget committees intended to introduce their budget bills next week. But with the new, lower forecasts they may not have proposals ready for two or three weeks.

### SHORELINES

#### SHB 1769: SUPPORT

Relating to timelines and funding for implementation of guidelines for shoreline master programs

This is one of our highest priorities and it passed the House and is now scheduled in the Senate Land Use Committee. Legislators established a staggered schedule for cities and counties to develop and amend shoreline master programs consistent with existing timelines for reviews and amendments of comprehensive growth management plans and development regulations. But, it also allows a delay in shoreline updates if funding is not appropriated, up to an ultimate deadline of 2014. This is a proposal that the environmental community has resisted over the last year. Yet, in the interest of making progress in protecting shorelines of the state and breaking the legislative stalemate, this language was accepted.

#### SHB 1933: OK

Modifying shoreline and growth management provisions

The bill is known as the "Everett Fix Bill" and came from a decision by the Growth Management Board to remand Everett's Shoreline Management Plan back to Everett. The plan was appealed by a coalition of environmental groups including Pilchuck Audubon. The Board's decision caused all kinds of confusion because it relied upon both the Growth Management Act (GMA) and the Shoreline Management Act (SMA) when interpreting Everett's shoreline plan. This "dual interpretation" was partially due to the fact that Ecology does not have shoreline guidelines in place to help interpret the plans. (The guidelines were being negotiated throughout 2002 ... the same time when Everett's plan was appealed!)

Over the past two weeks, Audubon was involved in intense discussions with other environmental groups, Association of Washington Business, the counties, cities and ports to clarify which laws should be used to examine a shoreline management plan.



We finally agreed to SHB 1933 that does the following:

(1) The Shoreline Management Act must be read, interpreted, applied, and implemented as a whole consistent with decisions of the shoreline hearings board and Washington courts **prior** to the decision of the central Puget Sound Growth Management Hearings Board in Everett Shorelines Coalition vs. City of Everett and Washington State Department of Ecology;

(2) The goals of the Growth Management Act, including the goals and policies of the Shoreline Management Act, continue to be listed without an order of priority; and

(3) Shorelines of statewide significance may include critical areas as defined by RCW 36.70A.030(5), but that shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance.

The bill goes on to say that once Ecology's new shorelines guidelines are adopted (sometime in 2003 or early 2004), critical areas within the jurisdiction of the SMA shall be governed by the SMA and that critical areas outside the jurisdiction of the SMA shall be governed by the GMA.

SHB 1933 also states that provisions of GMA will not changes or limit the quality of information currently required by the Shoreline Management Act. This bill will now go to the Senate Land Use Committee for a hearing.

**SB 6012: OPPOSE**  
Codifying Shoreline Rules

This bill adopts Ecology's old and out of date regulations for shoreline protection into law. These rules were adopted in 1972 and never updated! Ecology has new, negotiated rules ready to go, but the Senate is trying to get the old rules adopted into law first. This bill is also known as the "Bell-Bottom" Shoreline Bill. Please call your House Representatives and tell them you oppose this bill.

**ATTACKS on ENVIRONMENTAL PROTECTION**

**SSB 5375: OPPOSE**

Improving the efficiency and predictability of the Hydraulic Project Approval (HPA) program

This bill passed the Senate and is now in the House Fisheries, Ecology and Parks Committee. Rep. Mike Cooper had a work session on the HPA program to discuss this bill and other proposals to streamline HPAs. Audubon is opposed to SSB 5375 for the following reasons:

1. Eliminates state authority to protect fish life when federal requirements are in place. Unfortunately, the federal requirements do not cover the same species of fish nor do they provide the same level of protection as state law.
2. Federal standards are lower than those Washington's citizens often want.

Instead, Audubon would like the House committee members to consider only a structural re-organization of the current HPA law because it is very difficult to read. The current HPA law has been cobbled together over the last 50 years and is confusing. We also request the committee to add fees for HPAs, better enforcement of the HPA program and more public involvement when HPA permits are issued.

**REGULATORY REFORM**

Audubon is watching four Senate bills that passed this week and were sent to the House State Government Committee. We are opposed to all four because they weaken our environmental standards and delay rule-making:

**SSB 5052: OPPOSE**

Delaying significant legislative rules until after the next legislative session

**SSB 5053: OPPOSE**

Use only federal minimum standards for state regulations

**SSB 5254: OPPOSE**

Shift the burden of proof to the State that will cause huge increases in litigation costs

**SSB 5255: OPPOSE**

Only allow agencies to adopt regulations after they are given "specific grants of authority"



## GROWTH MANAGEMENT

### **SSB 5658: OPPOSE**

Best Available Science under the Growth Management Act

This bill erodes the use of science in our GMA law. It changes the requirement to use BAS to “shall consider” use of BAS. And, it states that science derived from theoretical studies not conducted on the actual site in which they will apply, cannot be used for GMA regulations. We are strongly opposed to this bill because Audubon’s mission is to use sound science in all policy decisions. Why shouldn’t local governments be held to the same standard?

### **5282: OPPOSE**

GMA Hearing Boards

This bill eliminates the GMA boards. Audubon does not support this bill because the boards perform the critical function of hearing appeals from citizens and to rule on disagreements on how to implement the GMA. No hearing scheduled yet...

### **SSB 5160: OPPOSE**

Authorizing certain counties to withdraw from GMA

This permits counties with a population of less than ten thousand, has a privately owned taxable land base of less than eighteen percent, and includes no more than one incorporated city to withdraw from the state Growth Management Act. This bill has not been scheduled for a hearing.

### **ESSB 5680: OPPOSE**

Allowing counties with low population density to opt out of certain Growth Management Provisions

This bill would exempt counties with population densities of 55 persons or less per square mile, and the cities therein, from GMA review and revision requirements. Audubon opposes this bill because we believe growth management has important benefits for small, economically disadvantaged counties. This bill will be heard in the House Local Government Committee on March 26 at 8 am.

### **SB 5661: OPPOSE**

Allowing the use of agricultural lands as sites for recreational activities

For the third year in a row, a bill has been written to amend GMA to allow soccer fields or other recreational activities on farmlands. Many counties have precious little designated agricultural land, though most have plenty of acreage available for recreational uses. The Washington State Supreme Court ruled that recreational lands are not compatible with farmland under the GMA. There are other, more effective ways to promote ball fields. This bill has been referred to the House Local Government Committee, but has not been scheduled.

## CONSERVATION DISTRICTS

### **EHB 2140: SUPPORT**

Reaffirms role of Conservation Commission

The Conservation Commission (Commission) is a state agency created in 1939 with duties that include assisting and guiding Conservation Districts in land and resource conservation programs. The Commission provides technical assistance and distributes funds to Conservation Districts throughout the State. The Commission is governed by a 10-member board; two are appointed by the Governor (Audubon Washington’s own State Board of Stewards member Vim Wright!) and others elected by Conservation District supervisors. Agency staff sit on the Commission as advisors.

The Governor’s 2003-05 budget proposed eliminating the Commission and consolidating its functions into the Department of Agriculture. But that idea is not going very far. EHB 2140 was proposed to counter the Governor’s budget proposal. This bill moves all the governing laws of the Commission from the Conservation District statutes (chapter 89.08 RCW) to the general statutory title related to state agencies (Title 43 RCW). Several technical revisions are made to the Conservation District statutes as they relate to the Commission.

An interesting change is also proposed that will require the local Conservation Districts to send to the Commission their lists of best management practices for habitat improvement and water quality and quantity enhancement projects. Furthermore, the Legislature intends that Commission and Conservation Districts participate in watershed restoration work.



**ENVIRONMENTAL EDUCATION**

Both **SHB 1466** and **SSB 5079**, the Natural Science Partnership Fund bills, are moving very nicely in the House and Senate. SHB 1466 will be voted out of the Senate Education Committee on Wednesday March 26. SSB 5079 does not have a hearing date scheduled, but Rep. Quall is very supportive of moving the Senate bill along.

**WILDLIFE AND NATURE TOURISM**

**2SHB 1973: SUPPORT**

Promoting Tourism... including Nature Tourism

This bill will help Audubon's Birding Trails program because it requires state agencies (Department of Community, Trade and Economic Development (CTED) and Fish and Wildlife (WDFW)) to work with other appropriate organizations (e.g. Audubon!) to develop an annual nature-based business and marketing plan. The bill will be heard in the Senate Economic Development Committee on Friday March 28 at 8:30 am. Please call your Senators and tell them how much you enjoy the Birding Trails and how this bill would support future trails.

**SB 5011: SUPPORT**

Promoting Wildlife Viewing

WDFW is directed to manage their wildlife programs that offer many public opportunities to view wildlife and supports wildlife viewing tourism without impairing the state's wildlife resources.

The bill also directs WDFW and CTED to host a conference on promoting wildlife viewing tourism. This is a great bill that helps the general public appreciate Washington's amazing natural resources and opportunities to get out and see birds and wildlife. It has been referred to The House Fisheries Ecology and Parks Committee, but is not scheduled for a hearing.

**SB 5204: SUPPORT**

Providing Opportunities for Wildlife Viewing

The legislature recognized the important economic benefits of nature tourism and wildlife or bird watching. This bill establishes a revenue source for WDFW to develop a Watchable Wildlife Program with other

government agencies and non-profit organizations. WDFW is authorized to sell watchable wildlife decals to raise funds for this program. It is in House Fisheries, Ecology and Parks Committee, but not yet scheduled for a hearing.

**SB 5006: SUPPORT**

Allowing Non-Consumptive Wildlife Activities on Public Land

The title of this bill is a fancy way of saying it is OK to allow birders and others who do not hunt or fish to use public lands. Until now, many public lands were restricted from use if you were not fishing or hunting. Thanks to sponsors Senators Jacobsen and Haugen and a unanimous vote in the Senate, this bill has just had a hearing in the House Agriculture Committee.



**SB 5179: OPPOSE**

Relating to body-gripping traps

This bill passed out of the Senate and is scheduled for a Hearing in the House Fisheries, Ecology and Parks Committee on March 25 at 1:30 pm. 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 animal problems. Audubon still has a problem with language that states "trapping can be a valuable commercial activity when consistent with sound furbearer management". We do not support any type of commercial activity from trapping.



## **SKAGIT VALLEY FARMLANDS AND MIGRATORY BIRDS**

### **SSB 1418: OK**

Regarding construction projects in state waters

Audubon worked with farmers and other environmental organizations to craft a bill that clarifies when and how WDFW can control dikes and drainage ditches. The main issue for Audubon is that we want to protect farmland in the Skagit Valley for bird habitat, rural communities and to slow the spread of sprawl. But, the other side of the problem is that some land in the Skagit could be restored for salmon habitat. And, the tribes and WDFW have legal mandates to restore salmon runs.

To begin solving this dilemma, the House passed HB 1418 that creates a 13-member task force to explore ways to restore salmon runs and keep the farmers in business. Audubon has one reservation with the current version of E2SHB 1418: it has a clause that permanently exempts WDFW from requiring fish passage on tide gates or flood gates. Audubon would like to see that exemption expire once the task force completes its work. We are confident that a mutually agreeable solution will emerge and that this permanent exemption may not be needed.

## **PARKS AND FOREST LANDS**

### **ESHB 1803: SUPPORT**

Studying the creation of the legacy trust proposal

This bill sets up a study committee to understand all the difficulties and benefits of the Commissioner of Public Land's idea of creating a new Legacy Trust in HB 1803 and SB 5750. The legacy trust was proposed to serve as a new land trust, managed by DNR, the revenue from which would be dedicated to supporting recreational access and use on state-owned lands. This would include supporting operation and maintenance costs of Natural Area Preserves that protect bird habitat.

ESHB 1803 agrees with DNR that the demand for and enjoyment of public lands is growing fast. And, that the quality of recreational experiences, public safety, trails and facilities maintenance, and protecting the land from ecological impacts are in jeopardy. This bill creates a Joint Select Committee on the Legacy Trust to review the proposal brought forward by DNR. A report is due by next legislative session.

### **SHB 1698: SUPPORT**

Distribution and use of funds for off-road vehicle and non-highway road recreational activities (NOVA)

Every person buying gas for their cars or trucks pays into a fund that is used for off-road or non-highway roads for recreational purposes. Until now, 20% of these funds were used for non-highway users like hikers, bird watchers or back packers. The Inter-Agency Committee on Outdoor Recreation just completed a study and found that the percentage split of funding was wrong; more hikers and backpackers were paying into the fund as compared to off-road vehicle users. HB 1698 increases the percentage to 50% of the tax collected from the gas tax for hikers and "non-highway" folks. Audubon definitely supports this bill. It is now in the Senate Parks, Fish and Wildlife Committee and will be heard on March 25 at 1:30pm.

### **SB 5235: OPPOSE**

Concerning environmental impact statements on certain state trust lands

This bill exempts 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, open government decision-making and perhaps most importantly, opportunity for comment by the public including neighbors adjacent to DNR lands, tribes, local governments and other agencies such as WDFW.

## **CRITICAL AREAS ORDINANCE WORKSHOPS**

**Learn to how to get better protection for the fish and wildlife in your town, city, and county.** 1000 Friends of Washington, Audubon Washington, and the Washington Environmental Council are sponsoring workshops to train local activists how to effectively participate in the critical areas regulation updates that take place in every Washington city and county. The currently scheduled Saturday workshops will be in Spokane on April 5, 2003 and King County on May 31, 2003. For more information or to register please e-mail: [caoregistration@1000friends.org](mailto:caoregistration@1000friends.org) Please include your name, address, e-mail, the workshop you wish to attend, and the city or county you are most interested in focusing on.



**ARCTIC NATIONAL WILDLIFE REFUGE SAFE!**

On March 19th, for the second time in two years, the Senate voted against opening the Arctic National Wildlife Refuge (ANWR) to oil drilling. Success on this issue is a tribute to the dedication of Auduboners and other caring citizens at the local, state, and national levels. This is a very hopeful sign in these troubled times. **DEAD BILLS**

**HB 1876: OPPOSE**

Water quality leaching tests for SeaTac third runway.

**HB 1411: SUPPORT**

Using revenues under county conservation futures levy

**SHB 1007: OPPOSE**

Permitting bill of rights.

**SB 5775: SUPPORT**

Recreational Vehicle tax to help fund public lands and state parks.



**HEARINGS NEXT WEEK**

**House Fisheries, Ecology and Parks**

SSB 5179 Body-gripping traps: *Oppose*

March 25 1:30 pm

**House Local Government**

ESSB 5680 Allowing counties with low population density to opt out of GMA: *Oppose*

March 26 8 am

**Senate Agriculture**

EHB 2140 Reaffirming the role of The Conservation Commission: *Support*

March 25 8 am

**Senate Economic Development**

2SHB 1973 Promoting Tourism: *Support*

March 28 8:30 am

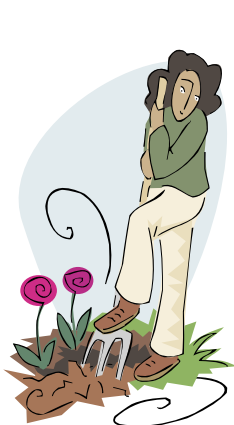
**Senate Parks, Fish and Wildlife**

2SHB 1698 Distributing NOVA Funds: *Support*

March 25 1:30 pm

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