



The Legislature Returns to Olympia...

After a two-week break, state Legislators will reconvene for a “special session” on Monday, May 12. The Governor can call a special session for one week or up to a month. Legislators, however, can decide what they want to discuss and for how long for up to one month. On Monday, they still need to agree on the Operating and Capital budgets; no small task! They already agreed to the transportation budget using a 5 cents increase to pay for roads and some public transit projects. Other topics on their long list of policy bills include water law reform, unemployment insurance, workers’ compensation, local government financing options, and preventing terrorism.

In a quick phone call this morning, Ron Shultz said, “The Governor hopes that all four water bills will be passed and that the budget will be decided within the week.”

Ron is analyzing and making recommendations to the Governor on veto requests from various organizations including the environmental community. For example, the Humane Society and some Audubon Chapters are asking that the trapping bill be vetoed because it overturns the citizens’ initiative to ban animal trapping except under certain circumstances.

Water Bills

The biggest issue for the environmental community during the special session will be four water bills. Last year, the Governor asked for a complete “Water Package” to fix water allocation for fish and wildlife, cities, and agriculture. Locke hired a consultant to do shuttle diplomacy between the groups, but did not come out with a package that everyone likes. During the entire regular session, Rep. Kelli Linville met with environmentalists, tribes, farmers, and city representatives to work out an agreement. No deal was reached by the end of the regular session.

This week our local Olympia newspaper characterized the situation like this:

“A coalition of Democratic legislators, Indian treaty tribes and environmental groups say a slate of water bills still alive for the Legislature’s special session are good for big water users,

but bad for stream flows and fish. Bill supporters said the opponents are overreacting and misrepresenting the bills. The water bill critics charged Gov. Gary Locke with backsliding on an earlier pledge to promote water reform legislation that balances the needs of farms, people and fish.” (05/06/03) the Olympian

So, on May 12, both the House and Senate are coming back to a messy situation. Senators will try to vote on **SB 5028 Clarifying the State’s Authority to Regulate Water Pollution.**

The bill originated in the Senate and had a 26-23 vote to support it. **The most important message to Legislators is about SB 5028: Thank you for voting AGAINST SB 5028!**

A big thank you for “NO” votes on 5028 in the regular session goes to: Senators Brandland, Brown, Carlson, Eide, Fairly, FinkBeiner, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Betty Sheldon, Shin, Spanel, and Thibaudeau.

After the Senate took the 26-23 vote, the bill passed the House Agriculture Committee and was sent to the House Rules Committee. Rules did not put it up for a House floor vote, but instead sent it back to the Senate. On May 12, the bill can be reconsidered by the Senate for further action.





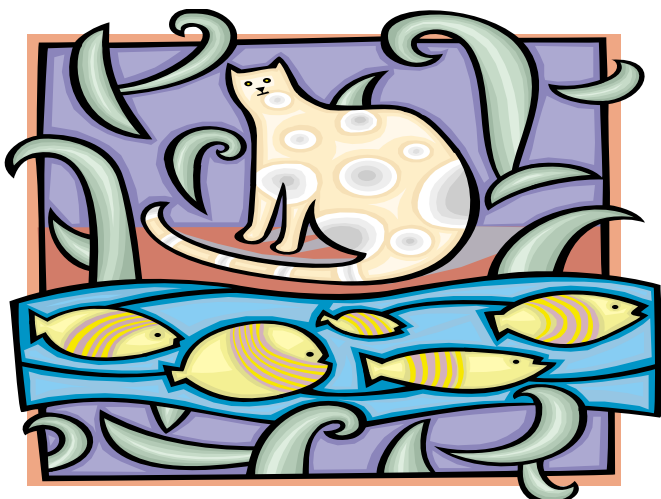
Please call your Senator by Monday, May 12 and tell them you oppose SB 5028.

(See Legislative HOTLINE phone number at back of this newsletter.)

Audubon, all other environmental organizations and the tribes are opposed to SB 5028 because:

- ☹ It prohibits the Department of Ecology from enforcing clean water laws when flows are too low in rivers and streams.
- ☹ If water is withdrawn from rivers or streams and increases water temperature or concentrates pollution, then Ecology cannot take enforcement action against those water withdrawals.
- ☹ The bill says water quantity trumps water quality. This striking policy change exempts a whole category of pollution from Washington's clean water laws.
- ☹ We have 57 streams that do not meet water quality standards as a result of reduced stream flows. Why should we pass a new law that continues this problem?
- ☹ Washington State has always prided itself on having water quality laws better than those of the federal government. SSB 5028 would weaken our water quality laws to be less protective than those of the federal government.

In the House, we have the following positions on two water bills:



ESHB 1336 Relating to Watershed Planning
NEUTRAL

The bill has been weakened as compared to the version that originally passed the House.

The provisions of strategies and milestones to achieve multiple watershed objectives, including sufficient water for instream flows, generally mitigate environmentalists' concerns with the bill.

E2SHB 1338 Municipal Water Rights
OPPOSE

A coalition of tribes, sports fishing groups and environmentalists are opposed to HB 1338. Billy Frank, Chairman of the Northwest Indian Fisheries Commission, Liz Hamilton, Executive Director of the Northwest Sportfishing Industry Association, and Tina Schulstad, Chair of the Sierra Club Cascade Chapter had this to say:

"Before responsible people write checks, they make sure that they have enough money in their accounts to cover them. The same principle must apply to the allocation of our state's water. We simply cannot give away water that we do not have. But that is precisely what the state will attempt to do if a new proposal, HB 1338, becomes law. Enactment of this 'Water Giveaway Bill' will jeopardize instream resources to meet future growth, the treaty-reserved rights of the tribes, the state's one billion dollar sportfishing economy, and provide greater certainty for junior water right holders.

"The bill would confirm water rights to cities and towns throughout Washington regardless of the amount of water available. Over-allocation will have disastrous consequences for an already shrinking resource, our rivers and aquifers. This could either totally exhaust the flows of certain rivers or so seriously deplete them that they could no longer sustain salmon and other native species. When our rivers can no longer welcome the salmon, we risk our culture, our economy, and our own health.

"Ultimately, the bill would recklessly undermine the state, federal, and private investments made to restore the health of watersheds. Despite lip service to conservation, the bill is essentially a green light to waste water! Due to recent droughts, our water is already tapped to the limit. We need to plan for the future of this limited resource by measuring the available water, monitoring stream flows, and encouraging conservation."



Growth Management

One Growth Management Act (GMA) bill still remains alive in the House, **SB 5659: Authorizing Additional Funding for Local Governments**.

Audubon, 1000 Friends of Washington, WEC and other environmental groups support the original bill that would allow county commissioners to ask voters for an increase in sales or use tax to pay for the increased demands of local services. While we like this part of the bill, we strongly oppose a section that allows Ferry County to withdraw from the Growth Management Act. We are also not pleased with a section allowing Jefferson and Clallam counties to delay updating their growth management ordinances.

Both sections set a dangerous precedent that would allow local governments to selectively lobby to be withdrawn from GMA or delay GMA implementation. If the bill passes and moves to the Governor's desk with these two sections intact, then we will ask for a partial veto.

Operating Budget

For Audubon and bird lovers, we are doing reasonably well in both Senate and House Operating Budgets. Audubon made sure that:

- ④ \$402,000 is in both budgets for shorebird monitoring studies at WDFW;
- ④ \$180,000 is used for lead shot and bird mortality studies in Skagit County;
- ④ Over \$1 million is in 3 agency budgets for Spartina control; and,
- ④ \$2 million is available for local governments to update their Shoreline Management Act regulations.

Unfortunately, some budget cuts remain which threaten birds and wildlife in the Operating budgets, including:

- ④ Senate budget zeroed out the state's Energy Policy Office which discontinues Washington's expertise in energy policy and planning and will save \$500K in state money, but it means losing \$3.4 mm in federal money; this cut is penny-wise and pound-foolish!
- ④ Senate budget completely cut the Growth Management Hearing Boards and cut the GMA planning office in half; the

House budget retains the Hearing Boards and keeps the GMA planning budget at its current level.

- ④ Across the board "efficiencies" are required for all agencies in both Senate and House budgets. This is where we will have to monitor the environmental and natural resource agencies as they make internal cuts after session is over.

Capital Budget

2003 Washington Wildlife and Recreation Program (WWRP) The good news for Audubon is that state funds are in the WWRP budget to match the federal funds to buy up the Severson property adjacent to our Dungeness River Audubon Center. Once the capital budget is passed, Audubon can begin working on the acquisition of the property.

The high level of re-appropriations and concerns about the Eastern Washington Habitat projects took their toll on the WWRP's 2003 appropriation. The following projects were removed from the WWRP list: Rattlesnake Mountain (8th Legislative District), Pygmy Rabbit (12th & 13th), Columbia Plateau Trail (9th), Elk River Natural Resource Conservation Area (19th) and the Bone River & Niawaukum River Natural Area Preserve (19th). In each case the legislators from the project's district asked that it be removed from the WWRP funding list. This trend is disturbing but, we need to respect the removal process because that is allowed as part of the WWRP law.

The WWRP is at \$40 million in the Senate and \$50 million in the House. **Representative Dunshee**, and **Senators Zarelli** and **Rossi** deserve special thanks for resisting strong pressures to go lower in their respective chambers.

Conservation Commission

Many farms along Washington's streams or rivers are eligible for federal funds (Conservation Enhancement Reserve Program) to restore riparian areas and keep them out of agricultural production. Audubon supports this program because there are federal dollars to match the state funds. Unfortunately, the Senate only appropriated \$1 million for two years as the state match, whereas, the House Capital budget appropriated 4 million for the state match. Audubon is working with Senators to increase the state funding for good riparian habitat on farms.



The Legislature is not the only game in town...

Growth Management Workshop
GMA Critical Areas Ordinances and Habitat Protection

Seattle Central Community College
May 31, 2003

- ☉ Do you want to know more about how to use one of Washington's most effective legal tools for protecting fish and wildlife habitat?
- ☉ Would you like to meet other activists and share strategies for improving habitat protection?
- ☉ Are you concerned that your county or city development regulations are too weak to protect habitats important for fish and wildlife?
- ☉ Would you like to strengthen the regulations but don't know where to start?

COME TO A GMA TRAINING WORKSHOP!
SEATTLE, MAY 31, 2003

Seattle Central Community College
Room 4106 (4th floor of Main Bldg.)
At the corner of Pine and Broadway
(parking garage at Harvard and Pine)

Audubon-Washington, 1000 Friends of Washington, Washington Environmental Council, and seven Puget Sound Audubon Chapters are sponsoring regional workshops to train citizens for effective participation in their local government Critical Areas Ordinance updates to protect wetlands, streams, and other fish and wildlife habitats. Each workshop will include:

- ☉ How GMA policy and law requires protection of fish and wildlife habitats
- ☉ How to use Best Available Science to protect habitat
- ☉ Hands-on training to evaluate GMA development plans and regulations
- ☉ Tips for effective public participation in the critical areas ordinance revision process in your city or county
- ☉ How to plan and implement a local campaign to strengthen a CAO
- ☉ An opportunity to get answers to your questions

Space is limited — If you would like to attend this workshop, please e-mail your registration to: caoregistration@1000friends.org **Please include your name, address, e-mail address, county and city you are interested in.**

Donations of \$15 (or more!) will be gratefully accepted, but no one will be turned away.





Follow the 2003 Legislative Session

With the *Bird's Eye View*!!

You can follow all the action in the *Bird's Eye View* newsletter. You will read about recent activities of the legislature and its committees, learn the details of complex legislation, and track bills through the process. Also in the *Bird's Eye* you'll receive action alerts so you can provide your input to key decision makers. You'll find out what's happening in Congress, keep track of state and federal agencies actions, and learn about National Audubon Society's national campaigns.

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Find your district and your elected's contact info online at: <http://www.leg.wa.gov>

Washington State Legislative Hotline: 1-800-562-6000

If you wish to send mail to a member of the **House**,
address it as follows:

Representative's Name
PO Box 40600
Olympia WA 98504-0600

For the **Senate**, address as follows:

Senator's Name
PO Box 404[Leg. Dist.]
Olympia WA 98504-04[Leg. Dist.]

(For example - 43rd Leg. Dist.: PO Box 40443, Olympia WA 98504-0443)

Olympia Office Location Key:

JAC John A. Cherberg Bldg. **JLOB** John L. O'Brien Bldg. **INB** Irv Newhouse Bldg. **LEG** Legislative Bldg.

- § Always include your name and address and those of the official on all mail and E-mail communications.
- § Limit faxes to three pages and always include the name of the legislative recipient on the cover sheet.

To contact your legislator by email, use the following formula:

First 8 letters of the last name, underscore, first 2 letters of the first name followed by @leg.wa.gov
(For example, **Sen.** Bill Finkbeiner: finkbein_bi@leg.wa.gov or **Rep.** Pat Lantz: lantz_pa@leg.wa.gov)

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Mission of the National Audubon Society

To conserve and restore natural ecosystems,
focusing on birds, other wildlife,
and their habitats for the benefit of
humanity and the earth's biological diversity.

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