



# Welcome to the 2002 Legislative Session!

## Audubon Washington's Legislative Priorities:

Last December over 20 Audubon Conservation Committee members gathered on a cold, rainy Saturday in North Bend to prepare for the upcoming legislative session. Their discussions were lively and ranged from the state budget shortfalls to wind power and the transportation budget. For 6 hours they deliberated about local and statewide conservation issues. Finally, everyone voted for 5 conservation issues they wanted Audubon staff to monitor:

1. Budget: what are the effects of budget cuts on conservation programs?
2. Competitiveness Council Report: watch out for bills that will weaken environmental protection programs.
3. Wetland Mitigation: Department of Transportation wants to transfer sites to non-profit organizations.
4. Water bill proposed by a joint Senate and House Committee: what does it mean?
5. Wind Power siting criteria: will this be legislation or internal agency work?

## Governor Locke's State of the State Address:

On January 14, the clock in downtown Olympia started ticking off the days left in this short, 60-day legislative session. When the Governor delivered his state of the union speech on January 15, he deliberately focused on what needs to be done in a short, intense session. He proposed several ways to fill the \$1.25 billion budget shortfall by either increasing fees, charging for permits or cutting programs. Although the Governor was silent about whether the Legislature or the voters should decide on a transportation budget (read: referendum to the people), he still urged Legislators to vote for efficiencies in transportation and to create 20,000 more jobs through the transportation budget.

## Highlights from Audubon's Priorities:

### Budget:

All natural resource agency budgets are together but 1.6% of the budget. All of them, however, will be required to cut their general funds. The agencies are proposing to raise fees as well as cut programs to meet their share of the required budget reductions. We have been watching how the "add and cut" exercise has affected conservation programs. We found out that Washington State Fish and Wildlife (WDFW) is finally proposing to charge a fee for permits when working in our streams and rivers. Until now, no fee was charged for Hydraulic Permit Application, which kept this program chronically under-funded. We hope that, with a fee in place, there will be enough biologists to do the job of inspecting project sites and enforcing permit requirements.

We found out just before Christmas that WDFW proposed cutting funds for shorebird studies in northern Puget Sound and along the coast. We also discovered that they proposed to stop funding to monitor and control the non-native and invasive green crab. Luckily, with pressure from our Audubon chapters, we convinced the Governor's budget staff **not** to propose those cuts. We were successful in saving those two programs...even before the Governor's budget went to the printer. Now we will carefully follow the budget discussions and promptly give you updates on these issues.

### Competitiveness Council Report:

You may have heard about this Council's report in the Seattle newspapers... the Council was appointed by the Governor following Boeing's move to Chicago.



The Governor asked for recommendations about how to make our state more competitive in the global economy. The Council is comprised primarily of state business leaders with one public interest member and no environmental representatives. Their recommendations, if implemented, could dismantle many of Washington State's key environmental and public health programs. The report presents no credible evidence that environmental and public health laws have discouraged businesses from locating in Washington. In fact, the opposite is true. Studies (listed on the Council's own web site) show that businesses locate operations in Washington based on quality-of-life issues like open space, clean air, clean water, and healthy wildlife and habitat. A series of independent reports demonstrated the fact that Washington State is highly competitive with other states in terms of attracting new businesses. They also called attention to additional studies that showed that states with strong environmental programs were the most likely to have strong economies. The Council's proposals such as "automatic" development permits and a new bureaucracy to review agency regulations could weaken protections of conservation values. Audubon has already attended the briefing sessions of the report; and now we are waiting for the other shoe to drop - the bills which implement the report. Stay tuned.

#### Wetland Mitigation:

The Department of Transportation has worked with The Nature Conservancy to propose a bill that will allow DOT to transfer wetland mitigation sites to non-profit organizations or other governmental agencies. Audubon suggested adding a provision that if a wetland site does not function as required to mitigate the lost wetland, then that site (and the associated liability) will go back to DOT.

#### Water:

During the 2001 Legislative session, Governor Locke and the state legislature adopted some initial reforms aimed at making Washington's water laws more flexible. They also created the Joint Executive Legislative Water Policy Group to create an all-

encompassing water policy for the state. On January 17, they released a draft document that will most likely be re-issued as proposed legislation by January 28. (See <http://www.wa.gov.water2002> for the full text). The four objectives in this long-awaited draft are:

- § Setting and achieving instream flows for fish.
- § Increasing certainty and flexibility of water rights for public water systems and for agriculture.
- § Providing funding for water infrastructure projects.
- § Improving water resource management systems.

This will become an "omnibus bill" which means it cannot be split apart and negotiated. It also means the budget will stay intact for the bill. At the moment, the cost is in the neighborhood of \$1 billion for existing deficiencies. The Legislature and the Governor will look for creative ways of financing through grants, loans, and bonds in the new Safe Water Account to be administered by the state's Public Works Trust Fund Program. The funds will be split according to these percentages:

- § 35% safe drinking water and conservation measures
- § 35% water storage and conveyance
- § 15% agricultural water supply efficiency to regain instream flows for fish
- § 7.5% Dept. of Ecology can buy up water rights for fish
- § 7.5% Implement local watershed plans

Expect to see "water bill" hearings scheduled for the week of January 28. We will send you a more in-depth analysis as we unravel the 74 page document we received tonight!

#### Wind Power Siting Criteria:

Siting new wind power facilities is an important issue for our conservation committee. No legislation has been proposed on siting criteria, but Brenda McMurray (Yakima Valley Audubon) and Herb Curl (Seattle Audubon) will meet with Nina Carter and Tim Cullinan on January 31 with representatives from WDFW to discuss a partnership about how to develop siting criteria. On that same day, Audubon will also meet with Ron Shultz and Dave Danner from the Governor's office about how to coordinate our efforts to obtain federal funds. We will have more information on these meetings in future Bird's Eye Views.



**Another proposal Audubon supports:**

**The Mercury Bill**

We are supporting the Washington Toxics Coalition's and WashPIRG's bill to control mercury. Even though this is a substance that we have accepted without question, mercury is actually an extremely toxic substance that can cause serious health effects. Mercury does not break down in the environment when it is released and builds up in the food chain and our bodies. It belongs to a class of dangerous chemicals that have left a toxic legacy across Washington and around the globe. This class of chemicals, often referred to as Persistent Biocumulative Toxins (PBTs), also includes dioxin and PCBs.

The main concepts are listed below:

- § Restrictions and phase-outs on the sale and distribution of certain mercury-added products.

- § Collection, transportation, and recycling of mercury products.
- § Support consumer right-to-know about choices they have been mercury-added products and proper disposal.
- § Mercury in schools will be prohibited from purchasing bulk elemental or chemical mercury
- § Health Care Facility Mercury Reduction Plan
- § State government procurement for low and non-mercury-added products

Please check out their webpage for more details at <http://www.watoxics.org>

## BIRD'S EYE VIEW BILL TRACKING

Our recommendations for action on specific bills will be in the next issue!

### House Bills (*italics shows next hearing*)

Position*	Bill #	Short title of bill
TBD**	HB 1005	Public utility rights-of-way on aquatic lands
Support	HB 1395	Encouraging retention and enhancement of the job base in rural counties
TBD	HB 1662	Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.
TBD	HB 2056	GMA amendment to add economic growth component
Support	HB 2288	Wetlands Mitigation Transfer (also see *SB 6250)
TBD	HB 2305	AG exemption for shorelines
TBD	HB 2307	Relating to timber substitutions and export restrictions
Support	HB 2308	Recycling for construction sites / no yard waste 2012
TBD	HB 2311	Changing provisions relating to small forest landowners.
TBD	HB 2310	Responsible bidder to DNR <i>1/22 10am House Natural Resources</i>
Support	HB 2326	Establishing the Washington Climate and Rural Energy Development Center. <i>1/22 1:30pm House Ag &amp; Ecology</i>
Support	HB 2327	Encouraging greenhouse gas mitigation.
Support	HB 2329	Authorizing additional trust authority to take advantage of federal estate tax benefits for conservation easements.
Support	HB 2342	Revising the limitation on impact fees regarding fire protection facilities.
Support	HB 2343	Revising the limitation on impact fees regarding law enforcement, courts, and jails.
Support	HB 2359	Authorizing the financing of regional transportation planning improvements by counties.
Support	HB 2376	Derelict vessels <i>1/25 8am House Natural Resources</i>
Support	HB 2398	Contract logging on DNR lands allows DNR more control over logging operations. <i>1/22 10am House Natural Resources</i>

\* Positions taken by the environmental community to date

\*\* To Be Determined



## List of bills (continued)

### House Bills (continued)

Position*	Bill #	Short title of bill
TBD**	HB 2400	Docks & moorage near DNR land <i>1/22 10am House Natural Resources</i>
Support	HB 2423	Creating green HOV lanes
TBD	HB 2442	Establishing a work group to transfer utilities and transportation commission functions.
TBD	HB 2443	Allowing utilities to recover costs through a purchased gas or power cost adjustment process.

### Senate Bills (*italics shows next hearing*)

Position	Bill #	Short title of bill
TBD	SB 5370	Splitting the Department of Community, Trade, and Economic Development and reestablishing the Department of Community Development and the Department of Trade and Economic Development.
TBD	SB 5447	Share fire costs between general fund & fire fund
TBD	SB 5833	Permitting legislative hearings on initiatives and referendums.
TBD	SB 6070	Economic development component of Growth Management Act
TBD	SB 6140	Creating congestion relief boards.
Support	SB 6246	Organic foods <i>1/23 9am Senate AG &amp; International Trade</i>
Support	*SB 6250	Wetlands Mitigation Transfer
Oppose	SB 6252	APA eliminates agency's general rule-making authority. <i>1/23 1:30pm S/S&amp;L Govt</i>
TBD	SB 6254	APA changes to require Governor's signature
TBD	SB 6258	Modify class IV forest practices
Support	SB 6284	Providing incentives to reduce air pollution.
Support	SB 6285	Providing incentives to reduce air pollution through the use of clean alternative fuel vehicles. <i>1/24 8am S Env/Energy</i>
TBD	SB 6313	Ghost nets
Support	SB 6329	Exempt clean fuel vehicles from inspection
Support	SB 6330	Revising provisions relating to metropolitan park districts.
Support	SB 6331	Specifying additional purposes for the use of revenues under the county conservation futures levy.
Support	SB 6332	Allowing counties to increase funding for properties acquired through conservation easements.
Support	SB 6333	Authorizing a local option sales tax to fund parks and recreational facilities.
Support	SB 6334	Providing funding for parks and recreational facilities.
Support	SB 6355	Expanding request authority for approval of low-income discounts for electric or gas services.
Support	SB 6400	Developing a statewide biodiversity conservation strategy.
TBD	SB 6416	Allowing public utility districts to define the eligible group of low-income citizens to whom they may provide services at reduced rates.
Support	SB 6420	Organic foods products

For a complete text of each bill, please go to <http://www.leg.wa.gov/wsladm>

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# Follow the 2002 Legislative Session

## With the *Bird's Eye View*!!

You can follow all the action in the *Bird's Eye View* newsletter. Each week 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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- § Limit faxes to three pages and always include the name of the legislative recipient on the cover sheet.

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# Audubon WASHINGTON

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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.