

FISHERIES, ECOLOGY, & PARKS COMMITTEE

Washington State House of Representatives

FINAL REPORT 2004 REGULAR SESSION



Office of Program Research
April 7, 2004

MEMORANDUM

To: Members of the Fisheries, Ecology, & Parks Committee
From: Jason Callahan & Jeff Olsen, Committee Staff
Date: April 7, 2004
RE: FEP Committee Sine Die Report

Attached is the final committee report for the Fisheries, Ecology, & Parks Committee. The report summarizes the action that was taken on all bills assigned to the committee during the 2004 session. The information is presented in three chapters: the bills reported from the committee that passed the Legislature, the bills reported from the committee that failed to pass the entire Legislature, and those bills not reported from the committee.

Each year the committee staff prepares this report for the members of the committee for your reference. If you have any questions, please do not hesitate to contact the staff.

Thank you.

**INDEX
TO THE BILLS FROM THE
FISHERIES, ECOLOGY & PARKS COMMITTEE**

**PASSED BY THE LEGISLATURE
DURING THE 2004 SESSION**

| BILL NO. | SHORT TITLE |
|---|--|
| | <u>FISH & SHELLFISH</u> |
| SHB 2431 SHB 2621 | Modifying Dungeness Crab Management Provisions. Concerning Personal Use Shellfish Licenses |
| | <u>HUNTING & WILDLIFE</u> |
| SSB 6118 | Creating a Cougar Control Pilot Program. |
| | <u>PARKS & RECREATION</u> |
| SHB 2489 SHB 2919 SB 6372 | Concerning Nonhighway and Off-road Vehicles. Adjusting ORV Fees. Creating a State Parks Centennial Committee. |
| | <u>ENVIRONMENTAL HEALTH & POLLUTION</u> |
| SHB 2308 ESHB 2488 SSB 6329 SSB 6155 SSB 6641 | Criteria for Inert Waste Landfills. Developing an Electronic Product Management program. Extending the Date for Ballast Water Discharge Requirements. Preventing the Spread of Horticultural Pests and Diseases. Reducing the Risk of Oil Spills and Spill Damage. |
| | <u>OTHER</u> |

FISHERIES, ECOLOGY & PARKS COMMITTEE

BILLS THAT PASSED THE LEGISLATURE

| BILL NO. | PRIME SPONSORS | SUMMARY | FINAL STATUS |
|-----------|----------------------------|---|--------------|
| SHB 2308 | Schoesler, Cox | Requiring the Department of Ecology to Develop Specific Criteria for the Types of Solid Wastes That Are Allowed to Be Received by Inert Waste Landfills - Requires the Department of Ecology to develop criteria for inert waste landfills that allows specific materials to be disposed in a landfill that was operational prior to February 10, 2003, and is located in a county with less than 45,000 residents and at a site that receives less than 25 inches of annual rainfall. Directs the Department of Ecology to work with the operators of inert waste landfills to transition into limited purpose landfills. | C 101 L 04 |
| SHB 2431 | Uptegrove, Cooper, Chase | Modifying Dungeness Crab Management Provisions - Requires a catch record card endorsement for Dungeness crab for Puget Sound recreational fishers to take or possess Dungeness crab. Establishes a \$3 fee for Dungeness crab endorsements. Provides that funds from the endorsement may only be used for monitoring and management of Dungeness crab recreational fisheries. | C 107 L 04 |
| ESHB 2488 | Cooper, Campbell, Hunt | Developing an Electronic Product Management Program - Directs the Department of Ecology, in consultation with the Solid Waste Advisory Committee and stakeholders, to research information and develop recommendations for implementing an electronic product collection, recycling and reuse program, and report findings and recommendations to the Legislature by December 15, 2004, and December 15, 2005. | C 194 L 04 |
| SHB 2489 | Cooper, Condotta, Anderson | Concerning Nonhighway and Off-road Vehicles - Revises Nonhighway and Off-road Vehicle Activities Program (NOVA) account allocations for the Interagency Committee for Outdoor Recreation (IAC) and the Department of Natural Resources. Establishes nonhighway road recreation facilities as a new IAC grant category along with nonmotorized and off-road vehicle facilities and requires that an equal amounts of funds be expended on each category. | C 105 L 04 |
| SHB 2621 | Blake, Orcutt, Hatfield | Concerning Personal Use Shellfish Licenses - Establishes an annual and a three-day razor clam license to be administered by the Department of Fish and Wildlife. Assesses a surcharge for biotoxin testing and monitoring on razor clam licenses. Eliminates the two-day personal use shellfish and seaweed license. Limits the ability of the Department of Fish and Wildlife to collect personal information from an applicant for a razor clam license. | C 248 L 04 |
| SHB 2919 | Condotta, Cooper, Hinkle | Adjusting ORV Fees - Increases annual off-road vehicle (ORV) use permits from \$5 to \$18, and increases temporary 60-day ORV use permits from \$2 to \$7. | C 106 L 04 |

| BILL NO. | PRIME SPONSORS | SUMMARY | FINAL STATUS |
|----------|----------------------------|--|----------------------------|
| SSB 6118 | Morton, Stevens, Deccio | <p>Creating a Cougar Control Pilot Program - Directs the Fish and Wildlife Commission to establish a three-year pilot program in certain counties that allows for the hunting of cougars with dogs. Requires that the Department of Fish and Wildlife report certain findings after the culmination of the pilot project.</p> <p><i>Partial Veto: Removes a provision that would have allowed counties other than Okanogan, Stevens, Ferry, Pend Oreille, and Chelan to participate in the pilot program.</i></p> | C 264 L 04 Partial Veto |
| SSB 6155 | Parlette, Hewitt, Mulliken | <p>Preventing the Spread of Horticultural Pests and Diseases - Specifies that the term "ongoing agricultural burning" may include the burning of cultivated orchard trees regardless of whether the owner or operator of the land intends to replant trees on the land, if certain findings are made by qualified individuals.</p> | C 213 L 04 |
| SSB 6329 | Oke | <p>Extending the Date for Implementation of Ballast Water Discharge Requirements - Modifies the date for authorizing discharge of ballast water into waters of the state from July 1, 2004, to July 1, 2007. Extends the ballast water work group to June 30, 2007, adds representatives from the Department of Fish and Wildlife, the shellfish industry, tribes, and maritime labor to the work group, and requires a report to the Legislature by December 15, 2006. Requires masters, owners, operators, or persons-in-charge to submit to the Department of Fish and Wildlife an interim ballast water management report by July 1, 2006, describing actions needed to implement ballast water requirements.</p> | C 227 L 04 |
| SB 6372 | Oke, Doumit, Sheahan | <p>Creating a State Parks Centennial Committee - Establishes the Washington State Parks Centennial Advisory Committee to develop plans to finance and implement the Centennial 2013 Plan.</p> | C 14 L 04 |
| SSB 6641 | Sheldon, B., Oke, Spanel | <p>Reducing the Risk of Oil Spills and Spill Damage - Requires the Department of Ecology to adopt rules by June 30, 2006, for ship refueling and transfers of oil between facilities and a tank vessel. Directs the Department of Ecology to work with stakeholders to develop a report describing fueling practices and regulations for covered vessels and report recommendations and findings by December 15, 2004. Adds a requirement for any state agency conducting ship refueling of more than 1 million gallons of oil during a calendar year to develop oil spill prevention and containment plans. Directs the Department of Ecology to establish a process for immediately notifying affected tribes of any oil spill.</p> | C 226 L 04 |

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TO THE BILLS FROM THE
FISHERIES, ECOLOGY & PARKS COMMITTEE

REPORTED FROM COMMITTEE BUT DID NOT PASS THE LEGISLATURE
DURING THE 2004 SESSION

| BILL NO. | SHORT TITLE |
|---|--|
| | <u>FISH & SHELLFISH</u> |
| SHB 2626 SHB 2920 | Moneys for Coastal Groundfish Management and Research. Creation of Special Economic Fishery Advisory Committees. |
| | <u>HUNTING & WILDLIFE</u> |
| SHB 2846 | Creating the Crime of Unlawful Use of a Hook. |
| | <u>PARKS & RECREATION</u> |
| SHB 2349 ESHB 2356 HB 2696 SB 6234 | Allowing Small Scale Resource Extraction. Allowing Off-road Vehicles on Nonhighway Roads. Creating a State Parks Centennial Committee. Concerning Nonhighway and Off-road Vehicles. |

| | |
|--|---|
| <p>HB 2244 ESHB 2479 EHB 2545 SHB 3002 SHB 3020 2SHB 3112</p> | <p style="text-align: center;"><u>ENVIRONMENTAL HEALTH & POLLUTION</u></p> <p>Limiting Outdoor Burning during a Fire Safety Burn Ban. Concerning Burn Bans for Solid Fuel Burning Devices. Clarifying the Meaning of Ongoing Agricultural Activities. Authorizing Statewide Regulation of Outdoor Burning. Reducing the Risk of Oil Spills and Spill Damage. Concerning Marine Fuel Facilities.</p> |
| <p>HB 2752 HB 3038</p> | <p style="text-align: center;"><u>OTHER</u></p> <p>Concerning Forfeited Property. Modifying the Definition of "Conviction" for Chapter 77.15 RCW.</p> |

FISHERIES, ECOLOGY & PARKS COMMITTEE

REPORTED FROM COMMITTEE BUT DID NOT PASS THE LEGISLATURE

| BILL NO. | PRIME SPONSORS | SUMMARY | SINE DIE STATUS |
|-----------|----------------------------------|---|--|
| HB 2244 | Delvin | Limiting Outdoor Burning When a Fire Safety Burn Ban Is Declared. - Prohibits incidental agricultural burning if the burning occurs during a period in which a fire safety burn ban has been declared. | SNatRes/Ene/ W |
| SHB 2349 | Erickson, Hinkle | Allowing Small Scale Resource Extraction Without Written Approval. - Requires the Department of Natural Resources to allow small scale prospectors to access non-tidal state-owned shorelines and lake beds without charging a fee or rent, and without first requiring the prospector to obtain a permit, lease, or other form of permission. Limits enforcement of the hydraulics code to only civil infractions for small scale prospectors and miners. | H Rules R |
| ESHB 2356 | Hinkle, Buck, Condotta | Allowing Off-road Vehicles on Nonhighway Roads. - Allows the use of off-road vehicles (ORVs) on nonhighway roads when authorized by the responsible governing body. Exempts ORVs operating on nonhighway roads from vehicle licensing, equipment and lighting requirements. Establishes an infraction for operating an ORV on a nonhighway road without a motorcycle helmet. Restricts persons under 16 years of age from operating an ORV on a nonhighway road unless they are under the direct supervision of an adult. | S 2nd Reading |
| ESHB 2479 | Kagi, Hinkle, Cooper | Concerning Burn Bans for Solid Fuel Burning Devices. - Changes the size of particulates measured for determining if restrictions on the use of solid fuel burning devices should be instituted. Makes it unlawful for visible emissions from a solid fuel burning device to enter the curtilage of a neighboring property in a wood smoke concentration area. | SNatRes/Ene/ W |
| EHB 2545 | Condotta, Chase, Armstrong | Clarifying the Meaning of Ongoing Agricultural Activities. - Specifies that the term "ongoing agricultural burning" includes the burning of cultivated orchard trees regardless of whether the owner or operator of the land intends to replant trees on the land. | S Rules 2 G --- Legislation on a similar topic adopted in SB 6144 (C 213, L04) |
| SHB 2626 | Hatfield, Pearson, Blake | Allowing the Department of Fish and Wildlife to Allocate Certain Forfeited Moneys for Coastal Groundfish Management and Research. - Creates the fish management and research account in the state treasury. Amounts received by the Department of Fish and Wildlife from (1) coastal groundfish forfeiture; (2) sale of herring spawn of kelp, and (3) sale of food fish or shellfish used in test fishing are deposited in the account. | S Ways & Means |

| BILL NO. | PRIME SPONSORS | SUMMARY | SINE DIE STATUS |
|----------|------------------------------------|---|---|
| HB 2696 | Simpson, D., Pearson, Cooper | Creating a State Parks Centennial Committee. - Establishes the Washington State Parks Centennial Advisory Committee to develop plans to finance and implement the Centennial 2013 Plan. | SPks/Fish/Will --- Legislation on a similar topic adopted in SB 6372 (C 14 , L04) |
| HB 2752 | O'Brien, McCoy, Lovick | Concerning Forfeited Property. - Changes the definition of "owner or operator" in the Model Toxics Control Act so that a state entity or local government will not become liable as an owner or operator of a facility if the facility came into public ownership by way of a drug forfeiture action. | HRules R |
| SHB 2846 | Sump, Cooper, Romero | Creating the Crime of Unlawful Use of a Hook. - Makes unlawful the intentional use of a hook in a way that could be reasonably foreseen to pierce the flesh or mouth of a bird or mammal. | S Rules 2 --- Legislation on a similar topic adopted in SB 6560 (C 220, L04) |
| SHB 2920 | Pearson, Sump, Mielke | Allowing the Creation of Special Economic Fishery Advisory Committees. - Authorizes the creation of a Special Economic Fishery Advisory Committee to review and provide guidance on fishing seasons that accomplish fishery objectives and maximize economic benefits to local communities. Directs the Department of Fish and Wildlife and the Fish and Wildlife Commission to work with Special Economic Advisory Committees to evaluate alternative fishing seasons and consider impacts to local economies. | SPks/Fish/Wil |
| SHB 3002 | Cooper, Lovick, Romero | Authorizing Statewide Regulation of Outdoor Burning. - Permits the Governor to enact a temporary statewide ban on outdoor burning during an extreme fire hazard. Assigns criminal and civil penalties for violations of a temporary statewide burn ban. | HRules C |
| SHB 3020 | Cooper, Rockefeller, Kagi | Reducing the Risk of Oil Spills and Spill Damage. - Requires the Department of Ecology to adopt rules by June 30, 2006 for ship refueling and bunkering and transfers of oil between facilities and a tank vessel. Specifies that the rules must include standards requiring deployment of containment equipment prior to the transfer of oil when determined to be safe and effective. Directs the Department of Ecology to establish a process for immediately notifying affected tribes of any oil spill. | S 2nd Reading --- Legislation on a similar topic adopted in SB 6641 (C 226, L04) |
| HB 3038 | Nixon, Upthegrove | Modifying the Definition of "Conviction" for the Purpose of Chapter 77.15 RCW. - Expands the definition of the term "conviction" in the Fish and Wildlife Enforcement Code to include uncontested notices of infraction, judgements that an infraction has been committed, failures to respond to a notice of infraction, or failures to appear after requesting a hearing to challenge an infraction. | HRules C |

Fisheries, Ecology, & Parks Committee
not passed by the Legislature

Bills reported from Committee but

| BILL NO. | PRIME SPONSORS | SUMMARY | SINE DIE STATUS |
|-----------|----------------------|---|---|
| 2SHB 3112 | Cooper, Simpson, D. | Concerning Marine Fuel Facilities. - Directs the Department of Ecology to work with stakeholders to develop a report describing fueling practices and regulations for covered vessels and ships, and report recommendations and findings by December 15, 2004. Adds a requirement for any state agency conducting ship refueling or bunkering of more than 1 million gallons of oil during a calendar year on the waters of the state to develop facility oil spill prevention and contingency plans. | S Hwys & Trans --- Legislation on a similar topic adopted in SB 6641 (C 226, L04) |
| SB 6234 | Oke, Fraser, Swecker | Concerning Nonhighway and Off-road Vehicles. - Revises Nonhighway and Off-road Vehicle Activities Program (NOVA) account allocations for the Interagency Committee for Outdoor Recreation (IAC) and the Department of Natural Resources. Establishes nonhighway road recreation facilities as a new IAC grant category, along with nonmotorized and off-road vehicles facilities, and requires that an equal amount of funds be expended on each category. | H Rules R --- Legislation on a similar topic adopted in HB 2489 (C 105, L04) |

Fisheries, Ecology, & Parks Committee
not passed by the Legislature

Bills reported from Committee but

FISHERIES, ECOLOGY & PARKS COMMITTEE

BILLS NOT REPORTED OUT OF COMMITTEE

| BILL NO. | PRIME SPONSORS | SUMMARY | SINE DIE STATUS |
|----------|----------------------------|--|-----------------------|
| SHB 1239 | Cooper, Sump, Dunshee | Creating a Geoduck Management Task Force. | HFish Eco & P |
| HB 2302 | O'Brien, Upthegrove, McCoy | Restricting Beach Driving. | HFish Eco & P |
| HB 2335 | Schual-Berke, Upthegrove | Changing the Method for Designating the Lead Agency for Public Proposals under the State Environmental Policy Act. | HFish Eco & P |
| HB 2348 | Eickmeyer, Buck, Haigh | Restricting the Harvest of Geoducks in Hood Canal. | HFish Eco & P |
| HB 2368 | Hinkle, Buck, Hatfield | Concerning the Listing of Endangered Species. | HFish Eco & P |
| HB 2371 | Cooper, Upthegrove, Hunt | Allowing for Wildlife Management Through the Limited Use of Body-gripping Traps. | HFish Eco & P |
| HB 2401 | McMahan, Lantz, Mielke | Allowing Courts to Order Volunteer Fire Fighter Service for Persons Discarding Burning Tobacco Products. | HFish Eco & P |
| HB 2411 | Bush, Mielke, Orcutt | Allowing Outdoor Burning in Areas That Were Formally Given a Nonattainment Designation by the Federal Government Because of Air Quality. | HFish Eco & P |
| HB 2487 | Cooper, Campbell, Hunt | Prohibiting Hazardous Electronic Material from Being Disposed of in a Solid Waste Landfill. | HFish Eco & P ---- |
| HB 2549 | Dickerson, Cooper, Hunt | Minimizing the Environmental Impacts of Commercial Passenger Vessels. | HFish Eco & P |
| HB 2551 | Schoesler, Sump, Cox | Providing for Legislative Members of the State Parks and Recreation Commission. | HFish Eco & P |
| HB 2591 | Cooper, Kagi, Upthegrove | Regarding Coastal Management. | HFish Eco & P |
| HB 2605 | Bush, Mielke, Boldt | Allowing Outdoor Burning in Areas That Are No Longer Designated a Nonattainment Area by the Federal Government. | HFish Eco & P |
| HB 2710 | Kagi, Chase, Cooper | Regulating Underwater Noise. | HFish Eco & P |

| BILL NO. | PRIME SPONSORS | SUMMARY | SINE DIE STATUS |
|-----------------|--------------------------------|---|---|
| HB 2719 | Cooper, Sump, Moeller | Extending the Date for Implementation of Ballast Water Discharge Requirements. | HFish Eco & P --- Legislation on a similar topic adopted in SB 6329 (C 227, L04) |
| HB 2824 | Jarrett, Linville, Armstrong | Establishing Permit Processing Timelines and Reporting Requirements for State Agencies. | HFish Eco & P |
| HB 2869 | Condotta, Armstrong, Schoesler | Prohibiting the Salmon Recovery Funding Board from Funding Land Acquisition Projects. - | HFish Eco & P |
| HB 2983 | Newhouse, Hinkle, Schoesler | Providing a Definition of State Waters. | HFish Eco & P |
| HB 3021 | Rockefeller, Cooper, Chase | Providing for Oil Spill Prevention and Response. | HFish Eco & P --- Legislation on a similar topic adopted in SB 6641 (C 226, L04) |
| HB 3034 | Darneille, O'Brien | Selling or Leasing Contaminated Property. | HFish Eco & P |
| HB 3107 | Cox, Grant, Schoesler | Allowing for Regional Programs to Provide for the Recovery of Fish Runs. | HFish Eco & P --- Legislation on a similar topic adopted in section 916 of HB 2573 (C 277, L04) |
| HB 3135 | Upthegrove, Schual-Berke | Implementing an Area-wide Soil Contamination Initiative. | HFish Eco & P |
| HJM 4044 | Romero, Dickerson, Moeller | Expressing Opposition to Drilling in the Arctic National Wildlife Refuge. | HFish Eco & P |
| HJM 4046 | Roach, Shabro, McDonald | Requesting Funding for Fish Passage Needs on the White River. | HFish Eco & P |
| SSB 6285 | Oke, Doumit, Roach | Providing for a Regulated Trapping Program in the State. | HFish Eco & P |

| BILL NO. | PRIME SPONSORS | SUMMARY | SINE DIE STATUS |
|----------|----------------|--|---|
| SSB 6682 | Sheahan | Allowing for Regional Programs to Provide for the Recovery of Fish Runs. | HFish Eco & P --- Legislation on a similar topic adopted in section 916 of HB 2573 (C 277, L04) |