

Agriculture and Natural Resources Committee Hearing

Jan. 12, 2010

RE: Rep. Joel Kretz' legislation as follows:

House Bill 2446 - Regarding long-term noxious weed management on land newly acquired by the fish and wildlife commission.

House Bill 2485 - Regarding the purchase of land by the department of fish and wildlife.

Committee debate on HB 2446 begins at: 01:29:34

Steve Pozzanghera (Department of Fish & Wildlife) & Bill Robinson of the Nature Conservancy (testifying against HB 2446)

Bill Robinson, Nature Conservancy, I too like the direction of this bill in terms of identifying a noxious weed plan, invasive species. It's a serious problem in this state and needs to be addressed. However, there is a little bit of a poison pill in this bill and it is the second portion where they [Department of Fish & Wildlife] not only have to identify the dedicated funding source but they can't use state appropriated money [inaudible] the Legislature. So essentially, what you're doing is you are telling the department that they cannot buy the land; they can't implement a weed plan because they can't rely on any state appropriated money to do it.

These are state lands. It's the state's responsibility to maintain and upkeep these, so I would strongly suggest you take the good parts of this bill; require them to have a weed management plan, which I think everyone supports, but leave out this poison pill there. Very simply, on page two, lines 11 and 12 through 15 just eliminate those conditions. That's good to identify the cost of the management plan but to say that they have to have a non-state funding source dedicated toward that is just not practical. Thank you.

Steve Pozzanghera (DFW): Thank you, mister chair, for brevity, Steve Pozzanghera and with me Jennifer Quan, regarding House Bill 2446, while we certainly appreciate the enthusiasm for the department we are working on a good neighbor policy to control noxious weeds on state lands, which we are, in fact, doing at this time.

We are, in fact, opposed to House Bill 2446, and let me touch on those specifics issues. As has been commented, the department currently utilizes land acquisition as one of its primary methods of habitat protection for fish and wildlife in this state, which comes not only with species values but recreational values as have been pointed out by the Nature Conservancy. The bill, which would require the department to preemptively have a noxious weed plan for

each and every parcel acquired by the department, would put at risk literally millions of dollars of capital acquisition grants. The logistics of having a weed plan in place on a particular piece of ground prior to the department actually closing a real estate transaction and/or competing for dollars to go after those acquisitions presents tremendous challenges for the department of fish and wildlife. We fully support the department's need to work at the local level and we are, in fact, working at the local level with county weed boards.

We, like a number of land owners in the state of Washington, are strapped financially and with staff. But, we are not making excuses. We understand the good neighbor policy and we believe that continuing to work at the local level with local county weed boards is the right approach. We'd like to continue to work through the wildlife area planning process. Currently, each wildlife area plan does have a weed plan identified for those current acreages. This is the responsible manner in which we would operate. We're also concerned that at the policy level, recognizing that last legislative session, the Legislature chose to fund the department of fish and wildlife by providing specific funding for lands operation and maintenance. I believe that was to the tune of \$243,000 of general fund money. This year, in the governor's current proposal, we are extremely excited to see an additional \$264,000 identified from the general fund to assist the department in lands operation and maintenance. So, there seems to be a real "split" here, if you will, on the policy calls that we're getting through the Legislature. So, we are concerned about that. The ONM funding is critical to our department and we are supportive of that legislative funding continuing, both through WWRP for acquisition as well as the recently identified ONM dollars that have been provided. So, with that I will close my comments and would ask that we find a different solution to address the concerns associated with the department's weeds management on its lands.

Rep. Joel Kretz: Thank you, mister chair, Steve did you mention earlier that your weed control budget was \$212,000? Do you know if that's a statewide number or is that even accurate? That's what I thought I heard earlier.

Steve Pozzanghera (DFW): I did not reference a 212 number on our weed control budget. Perhaps Jennifer has that information? And, we can certainly get back to you on that. That number isn't ringing a bell, representative, but we can get back to you on what we are currently spending.

Kretz: If you could get back to me on that and the number of acres so I can get an idea of what you are spending per acre for weed control.

Steve Pozzanghera (DFW): I would at what's currently been identified and funded previously are the \$243,000 that was provided and the \$264,000 provided in the governor's budget as

based on a \$9 per acre ONM rate. It's a very incremental step for us. We have one range and weed specialist statewide, but this is really a significant policy call for us and we're very supportive of there's been recognition, even at \$9 per acre, which does not put us in a competitive situation with regard to federal land owners who are experiencing between \$30 and \$45 dollars per acre for maintenance.

(Continues with Dan Wood, WFB and Jack Field testifying in support of HB 2446)

House Bill 2485 discussion begins at: 01:41:15

Jack Field with the Washington Cattleman's Association and I'll be really quick. Here in support of House Bill 2485 and, again, several of the comments made in prior testimony and some of the comments that are out there, there's a concern of fish and wildlife purchasing large tracks of private ground and therefore being able to out-compete the private landowner who is unable to meet the bid price that fish and wildlife is able to bring forward with the state dollars. But, again, if there's anything possible, this to me is an excellent step. When you talk to folks who reside in parts of Eastern Washington, they'll definitely tell you that the last thing local communities need is more land going to the public or federal management and coming off local tax rolls. We would ask that you look favorably at this and please move it out of committee as well. Thank you.

Rep. Joel Kretz: Thank you, mister chair. This is, I guess, some similar concerns with the last bill with the preponderance of state land in some areas. And, I would like to just read just a list of a few land acquisitions by the Department of Fish and Wildlife in the last 25 years. Several different counties and how much land has been purchased by a government agency: Lewis County, 545 acres; Lincoln County, 18,000 acres, of course that's the 7th District so that is different; Mason County, 1,500 acres; Pacific County, 10,000; Pend Oreille County, 0; Pierce County 1,600; but the one that I've really got a concern about is Okanogan County, 65,000 acres just in the last 25 years purchased. A lot of that was pretty productive agricultural ground, forest ground, it was in the private sector and paying taxes, generating like Jack mentioned earlier, the turnover in the dollars derived from different agricultural industries. A lot of it was range land that had a pretty thriving economy in Okanogan County years ago and the scale has shrunk. It's a county that's close to almost 85 percent public ground already. When you lose that much the economic generation goes, it's hard to support county government so this is a, I guess I would point out the disparity with the areas where they are focused on land acquisitions. Love to see some attention paid to these other counties that haven't had the enjoyment of going completely to public land ownership and maybe some kind of focus there because there are huge concerns. County commissioners, they just cannot run a county with the tax base keep shrinking and shrinking. Thank you.

Chair Brian Blake: Let's go ahead and call up Steve Pozzanghera, Bill Robinson and Bill Clark and Lori Evans signed in pro on the bill with the Cattle Producers of Washington and after we hear from these three, it will conclude our testimony.

Begins 01:44:45:

Bill Robinson (Nature Conservancy): I am Bill Robinson with the Nature Conservancy and obviously I am opposed to this piece of legislation and this is not new. This bill has come up every year for several years now and it was first proposed in the House, or excuse me, in the Senate to actual local governments and county commissioners actually did not like the, objected to the provision that they had to approve all land acquisitions. That put them in the uncomfortable position of identifying who can sell their land and who cannot sell the land. It became a big property rights issues and a big discussion for them that they simply did not want to take that. Now if there was an approach used like earlier, like what you talked about, where you coordinate state land plans with local government land plans, you know that's a different subject and that probably should be handled. So to address that, Senator Parlette was able to pass through the Legislature Senate bill 5236 back in 2008, which created a public lands coordinating work group for both conservation and recreation lands. That was to address this issue where the state acquisition practices would be coordinated with the local government. Local government sits on that committee. So that was their attempt to address it, to kind of merge it. So I think the problem has been resolved as best as it can so that's what I would suggest to allow that process to continue and we use that mechanism.

Particularly, there's a condition here that local governments would actually have to approve a financial mechanism for a state agency to do weed control, again when you've got a mechanism here that is another poison pill. Local government being put in the position, having to approve and recommend a financial plan for state agencies, I think is an inappropriate role for local government telling a state agency what it can and cannot do with their resources, particularly when it comes to someone's bonding and financial documents that are very complicated to do. So I can go into a great deal of depth about this but the main reason fish and wildlife buys habitat in one region is because that's where the wildlife is. And, so we'd love to have fish and wildlife have more land in Pierce and King counties but the wildlife aren't there – there's no need to do that. So, that would be kinda my comments on this bill. I would ask that you address the current process first.

Rep. Bruce Chander: Thank you, mister chair. You know, Bill, I don't want to misunderstand you're saying, it sounds awful prejudicial, but we have a wide swath of this state, my entire

district, probably six legislative districts, each of which is larger than half the states on the East Coast, that are 70, 80, 90 percent public land. So you're saying that if there's a choice to be made, that you would go ahead and strangle local communities and local governments for the sake of acquiring more public land? Now, I can't believe that I'm hearing you right.

Bill Robinson (Nature Conservancy): No, I'm not saying that. I'm not saying that at all. I'm talking about that not all land is the same. What the Department of Fish and Wildlife is looking at is having land specifically for maintaining wildlife, particularly some of those endangered species and they have to identify where the habitat are for those species and that's what they're looking to acquire. That's the whole purpose – maintaining the species and that's their charge from the Legislature, to protect in perpetuity our state's natural resources and wildlife resources.

Rep. Bruce Chandler: Is that to the exclusion of the ability of local communities to be sustained and sustainable?

Bill Robinson (Nature Conservancy): Well, I think I would just go back again and reference a report the Department of Fish and Wildlife did a few years ago on the economic value of public lands. Both the hunting and fishing and wildlife recreation - everything from eco-tourism to bird watching. Those provide a significant benefit to local governments. In fact, just this summer, driving through Grant County there was a big advertisement on the radio in Grant County encouraging people to come over for hunting and fishing. That was their biggest industry for that entire county. And it's all on public lands. It's not a trade-off between local economic development and wildlife. They can go together. They can be compatible

Rep. Bruce Chandler: I appreciate your patience, mister chair, but I would like to have a further conversation about this with you [Bill Robinson]. I really would.

Steve Pozzanghera (DFW): (DFW): Thank you, mister chair, Steve Pozzanghera, assistant director for the wildlife program. I am here today to testify in opposition to House Bill 2485. I will try to be brief. Again, what we see within House Bill 2485 is a seemingly inconsistent approach with policy calls first and foremost Department of Fish and Wildlife's legal mandate to preserve, protect and perpetuate the wildlife of this state. We also see the impact, or the inconsistent approach, whereby the Legislature currently funds through the WWRP a minimum of \$50 and upwards of \$70 million during the biennium for the Department of Fish and Wildlife and other state agencies to specifically acquire land.

The Department of Fish and Wildlife operates under a willing seller approach. The idea that the Department of Fish and Wildlife has very deep pockets and therefore outbids and out-competes local purchasers of land simply is not true. We base our acquisitions on appraised value and the market. We have, and I'm not supposed to say this in public, we have a 10 percent flex rate, that we have, above and beyond the appraised value. That is the flexibility that we have so if people think we have deep pockets, so be it.

Fish and wildlife, I think we will look back and maybe I'm naïve and the committee is going to chase me out at this point, but I truly believe that we will look back 50 years from now at the acquisitions that have been made given the human growth and the expected growth in Washington and identify these wild lands, that are currently being protected, as the last true places people have to recreate and enjoy life in the state.

Rep. Kretz indicated that the shocking number of 65,000 acres in the county as a detriment, I would remind or talk about number one: the PILT [Payment in Lieu of Taxes] payments that the Department of Fish and Wildlife does pay out on those acres and, as has been indicated, the 65,000 acres are not for fish and wildlife only and it is for wildlife recreation and enjoyment as has been provide through the Nature Conservancy and we will, in fact, follow up on that economic report. There are literally billions, \$1.6 billion dollars per year in the state of Washington, associated with fish and wildlife recreation. Okanogan County is becoming the Mecca of fish and wildlife associated conservation and recreation. And, those are heads in beds. Those are wildlife festivals. Those are hunters, viewers, photographers spending motel dollars, gas dollars and so on.

As you can tell the Department of Fish and Wildlife is very passionate about its land acquisition program. It's one tool. It's not the only answer. I truly believe that we will, in fact, look back 50 years from now and appreciate the fact that Washington has wild lands in place. We would love to expand our search image and we are looking at working through the Western Governors' Association corridor project, working through an ecosystem risk and assessment process and I'm glad to say, Rep. Kretz, that we'll be looking beyond Okanogan County and expand into the areas that make the most sense for the purpose of protecting species and the state of Washington as well as providing recreational opportunities. And, lastly, Rep. Chandler, I believe, by our calculations that there are six counties that meet the designation of the 70 percent. I have those listed as Chelan, Ferry, Jefferson, Okanogan, Skamania and Yakima.

Rep. Tim Ormsby: Thank you, mister chair. Mr. Pozzanghera relative to losing all those acres to the tax rolls and the mitigation by PILT, can you explain how that works? Maybe I can check with Jason a bit later. I think we need to understand about the acquisition of lands and the

difference between what we've understood to be losing land to the tax rolls and mitigation that PILT for that, and if you could do a, I know we're nearly out of time, but a quick explanation of the or maybe that's something that Jason could get back to us?

Steve Pozzanghera (DFW): We have extensive history on the **PILT** issue and would be happy to work with Jason on this. I do want to mention that on the PILT issue specifically. [chuckle] It's been a long day but a really good one. I'll think of it and let you know.

Rep. Norma Smith: Thank you, mister chair. Thank you, Steve. I appreciate your passion. A question I have for you as a relatively new member is, as I've sat in this committee and also in capital budget's, and I know there have been some studies, but I don't have a sense, and I want you to address this issue with me, of an overarching statewide vision. What's enough land acquisition? What is being done, and if you can help me understand, what is being done between DNR and fish and wildlife and our state parks to create for those of us who are trying to help steer the way in terms of those long-term goals? Is there an overarching vision and how are those being coordinated between the different agencies? Could you address that for me?

Steve Pozzanghera (DFW): I would be happy to and it's an excellent question. Rep. Smith, as Mr. Robinson [Nature Conservancy] indicated, first of all I would touch on Senate Bill 5236 that is providing some guidance and direction on kind of a more coordinated approach, but above and beyond that working with our partners, like the Nature Conservancy, like the Trust for Public Lands, what we are doing in the state of Washington, and actually some pioneering ground on this, we are utilizing what are known as 'ecosystem assessments' that come with individual key species identifiers that look at the potential risk to various species or groups of species. And, we're doing that at a very fine level to specifically answer the question of: What are the target areas? When are we gonna be able to say 'enough is enough' from a habitat acquisition standpoint? So, a number of these tools at the landscape planning level are being utilized and we would be happy to provide to you, provide to the full committee, briefings or additional information on these various landscape-level planning tools that are trying to provide guidance and direction not just to the Department of Fish and Wildlife, but to other state agencies looking at what acquisitions are critical and what does the long-term mean if we are trying to protect various species or species groups [and] when do we think we have enough land to accommodate that? So, we've got a lot of exciting projects underway. I can't do them justice right now, but just to say that you're right on target. We appreciate the 'when is enough' question and we've got a number of landscape planning tools that we're utilizing to get there.

Question from a Rep. Norma Smith is inaudible

Steve Pozzanghera (DFW): Ok, as I understand the request a combined ownership map of what we know relative to DNR, DFW and state parks ownerships and then relative to discussions or ongoing activities where the agencies are integrating or coordinating those activities.

Rep. Norma Smith: Yes, I would like to see those overlap currently as of today. That would be fabulous, thank you.

Steve Pozzanghera (DFW): I'm here to speak on behalf of fish and wildlife, but we will take the lead in facilitating that with the other two agencies. I'm not speaking for them but we would take the lead to facilitate that.

Rep. Norma Smith: Thank you.

Bill Robinson (Nature Conservancy): Rep. Smith, I would also add that on February third and fourth, there is a public meeting on the state lands working group conservation working group will have exactly that. It will not only have the ownership, but the three agencies conservation, which includes state parks that have recreation lands and then also has their plans for the next two years of what they hope to acquire, or at least what their budget request will be. We'll hear all ideas on how to coordinate those agencies in a strategic fashion, and hopefully, if they can share one piece of for multi-purposes that would be the intent [inaudible]. It's right here in Olympia.

Begins at 01:58:50

Rep. Joel Kretz: Thank you, mister chair, just a comment. I feel like the last two presentations, as somebody who represents some of the most targeted areas for acquisitions in the state really crossed the line. I think it was really insulting, not only to those of us who represent rural areas, some of them 80, 85, 90 percent government-owned. We also represent, each of us, 120,000 back home, most of whom would really, really disagree with the content and the tone of your comments. I just really feel like both of you, it's not a productive discussion, you know there's things that we can talk about but the tone of both of you; it's easy to sit in Olympia and tell us how it is in Okanogan, Ferry or Stevens counties, but you don't know. You don't know how the people feel over there. Really disappointed with the comments.

Rep. Judy Warnick: Thank you, mister chair. Mine is more of a comment as well. I live in Grant County and recreation is an important part, wildlife management is an important part, but Grant County's largest industry is not recreation and it's not wildlife watching, it's potatoes,

alfalfa, agriculture crops. So, I'd like to invite you to come see what Grant County is all about and don't just drive through it next time.

Steve Pozzanghera (DFW): I stand completely corrected. I think the advertisement was that it's the largest non-agricultural activity in the county so I apologize for misrepresenting that.

Rep. Judy Warnick: Thank you.

Bill Clark (The Trust for Public Land): I'll be brief. I'm Bill Clark testifying on behalf of the Trust for Public Land. Trust for Public Land works to do conservation easements and recreation around the state. In addition to the reasons previously stated, I think it's important that the committee understands that based on the concerns we've heard in this committee and elsewhere, Trust for Public Land has initiated public planning processes first in the stimit basin in Chelan County, including those county commissioners and agricultural landowners, irrigation districts and landowners to kind of get a better sense of what are the parcels of land that have long-term value for habitat or for agriculture and to adopt a land management plan that has local support. Based on the concerns of the prime sponsor of this bill, we have also started that process in Okanogan County. So you can do, in essence, what Rep. Smith suggested, which is identify primary agricultural lands and timber lands and then overlay it with those lands that may have habitat value to help the local governments have input on those lands that may be subject to acquisition for habitat or recreation or for conservation easements, and to improve communication between the local government and the landowners and groups like the Trust for Public Lands that negotiate those deals and with fish and wildlife who may be the ultimate owners.

So, it's obviously a very passionate subject for lots of folks. What we've tried to do is get on the ground at the local level and initiate a local planning process so people really feel they understand what's going on. Thank you.

Chairman Brian Blake: Question: One of the first times I got involved with this issue, well before I was a legislator, a group was quickly formed called Citizens for Washington Wildlife. And the issue that precipitated it was the Legislature was considering directing fish and wildlife to sell some land that I believe was purchased by Pitman-Robertson money in the mountain pass area and it was purchased for elk conservation but there was a portion of it that could help facilitate the expansion of the ski area. There was also nearby lands that were actually more suitable, private lands that were more suitable for the elk having and the comment, it might even have been you, "I admit that we're not against working ski resort to find other suitable land, in almost at a no-net-loss situation." So, in these situations where we have counties that

have this high concentration of public land, is it possible to develop a no-net-loss of private land policy where we can find the highest value conservation lands and substitute what may be public land but lesser wildlife value land and kind of maintain that balance? Is it possible? Is there interest in this group with pursuing something like that?

Steve Pozzanghera (DFW): We would certainly be interested in looking at all our options available. And, first and foremost, I will personally apologize to Rep. Kretz. I will apologize to the committee if my passion was taken as something other than that. But anyway, specifically on that issue, I think one of the things we have looked at is the title acquisition is extremely controversial so what we need to explore and what we need to utilize is the use of other tools like conservation easements, like specifically working on lands agreements. We have a number of life estates that have now been established keeping families on those properties and continuing to have them operate at the county level. So we've got some create tools that we are very interested in and happy to look at rather than simply fee title acquisition. It's a very important tool in the toolbox; it's not the only one, but we would be happy to hear new ideas and ideas we haven't thought of that will come from the counties as things we can explore.

Bill Robinson (Nature Conservancy): Bill Robinson, the Nature Conservancy. Let me just comment a little about the things we are doing. We've developed this tool along with state agencies, federal agencies and academic communities and it's called nat-regional assessments. Nat-regional assessments are [inaudible] that actually identifies the highest level of biodiversity and we're looking at strategically placing conservation lands in those areas. Where there are areas that have low biodiversity, low habitat, might be in public ownership, there might be a way of rearranging those lands so that we have better strategy for benefitting wildlife, yet allow more land to go into private or a no-net-loss type of arrangement. So, there are tools for doing that.