
**Agriculture & Natural Resources
Committee**

ESB 6776

Brief Description: Creating the joint work group on small forest landowner sustainability.

Sponsors: Senators Jacobsen, Swecker, Fraser, Morton, Zarelli, Schoesler, Hargrove, Ranker, Hatfield and McCaslin.

Brief Summary of Engrossed Bill

- Creates the Joint Work Group on Small Forest Landowner Sustainability.

Hearing Date: 2/18/10

Staff: Jason Callahan (786-7117).

Background:

History of the Forests and Fish Law.

The Forest and Fish Report was presented to the Forest Practices Board and the Governor's Salmon Recovery Office on February 22, 1999. The report contained the recommendations for the development and implementation of rules, statutes, and programs designed to improve and protect riparian habitat on non-federal forest lands in Washington. The report was authored by various stakeholders, including the federal government, state government, and various interest and constituency groups. The rules proposed in the report were designed to provide compliance with the federal Endangered Species Act, restore and maintain minimum riparian habitat to support a harvestable supply of fish, meet federal Clean Water Act standards, and keep the timber industry economically viable.

The Legislature recognized the Forest and Fish Report in 1999 by passing the Forests and Fish Law [Chapter 004, Laws of 1999, 1st Sp. Sess.]. The law directed the Forest Practices Board (Board) to adopt emergency rules implementing the recommendations of the Forest and Fish Report. In the years since, the resulting forest practices rules have been adopted and assurances

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

from the federal government have been obtained. The assurances provide some certainty that forestry operations conducted in compliance with the rules will be protected from liability under the federal Endangered Species Act.

Alternate Plans.

As part of the Forest and Fish Law, the Legislature directed the Board to condition the adopted rules in such a manner that allows forest practices applicants to propose harvest plans as an alternative to the default rules. These alternative plans are to be developed in response to site-specific physical features and must provide protection to public resources that is equal to the standard harvest rules adopted by the Board. The Board is directed to consult with the Department of Natural Resources' Small Forest Landowner's Office in developing alternate harvest restrictions for small forest landowners. The alternative plan process is only available to landowners that own less than 80 acres and for harvesters affecting less than 20 acres. [RCW 76.13.130].

Exceptions to Riparian Buffers.

Although the state's forest practice rules generally have specific restrictions on the amount of harvest allowed near streams and creeks, there is an exemption available from these restrictions for certain landowners. Parcels that are 20 contiguous acres or less are exempt from the modern riparian buffers rule, as long as the owner of the parcel does not own a cumulative total of more than 80 acres. Instead, these landowners can either follow the forest practice rules in place prior to 1999, or work with the Department of Natural Resources to establish an alternative management plan for the riparian portion of the harvest area [RCW 76.13.130].

Summary of Bill:

The Joint Work Group on Small Forest Landowner Sustainability (Work Group) is created to identify ways to remove regulatory barriers and disincentives, and encourage small forest landowners to maintain their land in forestry without reducing protection to public resources. The Work Group must deliver its final recommendations to the Legislature, the Governor, and Commissioner of Public Lands by September 15, 2015.

The Work Group is comprised of the appointed membership of the House's Agriculture and Natural Resources Committee and the Senate's Natural Resources, Ocean, and Recreation Committee. Staff to the Work Group is provided by existing legislative staff. In addition, the Work Group may solicit assistance as needed, including from the Departments of Natural Resources, Ecology, and Fish and Wildlife. Assistance may also be solicited from others with related expertise.

The Work Group is mandated to consider a number of issues including the long-term stability of the Forestry Riparian Easement Program, alternative management plans for small forest landowners, reducing the complexity of administrative rules for small harvesters, and the feasibility of pilot projects relating to ecosystem service payments.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.