

# HOUSE BILL REPORT

## ESB 6776

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### As Passed House - Amended:

February 28, 2010

**Title:** An act relating to creating the joint work group on small forest landowner sustainability.

**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 History:

#### Committee Activity:

Agriculture & Natural Resources: 2/18/10, 2/23/10 [DPA].

#### Floor Activity:

Passed House: 2/28/10, 96-0.

### Brief Summary of Engrossed Bill (As Amended by House)

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

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## HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks, Kretz, Liias, Nelson, Pearson, Rolfes, Van De Wege and Warnick.

**Minority Report:** Do not pass. Signed by 1 member: Representative McCoy.

**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

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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. 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 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' (DNR) 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.

#### 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 DNR to establish an alternative management plan for the riparian portion of the harvest area.

#### **Summary of Amended 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 the Commissioner of Public Lands in the form of proposed legislation by September 15, 2010.

The Work Group is comprised of two members of the House's Agriculture and Natural Resources Committee and two members of the Senate's Natural Resources, Ocean, and Recreation Committee. Staff to the Work Group is to be provided by existing legislative staff. In addition, the Work Group may solicit assistance as needed, including from the

DNR, the Department of Ecology, and the Washington Department of 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. The Work Group is also required to consider if its recommendations are consistent with the state's obligations under the Forest and Fish Habitat Conservation Plan.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) Other more immediate bills affecting small forest landowners have not had success, but it is important to keep looking at the issues. The bill would be a small but important step forward. Maintaining small forest landowners on their land is one of the most important environmental issues facing the state. There needs to be recognition that ecosystem services payments will never fully reimburse landowners for the economic losses caused by regulations.

(Opposed) Current language is duplicative of ongoing agencies efforts. All efforts that work towards common goals should be conducted in sync with each other.

**Persons Testifying:** (In support) Rick Dunning, Washington Farm Forestry Association.

(Opposed) Chuck Turley, Department of Natural Resources.

**Persons Signed In To Testify But Not Testifying:** None.