

# SENATE BILL REPORT

## 2SHB 1484

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As Reported by Senate Committee On:  
Natural Resources, Ocean & Recreation, March 23, 2009

**Title:** An act relating to habitat open space.

**Brief Description:** Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species.

**Sponsors:** House Committee on Capital Budget (originally sponsored by Representatives Van De Wege, Orcutt, Hurst, McCoy and Blake).

**Brief History:** Passed House: 3/05/09, 97-0.

**Committee Activity:** Natural Resources, Ocean & Recreation: 3/16/09, 3/23/09 [DPA].

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass as amended.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield, Stevens and Swecker.

**Staff:** Sherry McNamara (786-7402)

**Background:** The Legislature added the Riparian Open Space (ROS) Program to the Forest Practices Act in 1999. The ROS program provides landowners compensation for lands within unconfined avulsing channel migration zones that cannot be harvested due to the Forest Practices rules. The Department of Natural Resources (DNR) is directed to purchase qualifying land in order to manage that land for ecological protection or fisheries enhancement. Lands may be purchased either as fee land or as a perpetual conservation easement. The DNR may retain and manage these lands or transfer the land or easement to another state agency, a local governmental agency, or a private nonprofit nature conservancy program.

Since 2001 the DNR has purchased 583 acres of qualifying channel migration zone (CMZ) lands for a total value of \$1,470,000. An unconfined avulsing CMZ is the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream.

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*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.*

**Summary of Bill (Recommended Amendments):** The Forest Practices Board (Board) must establish by rule a program for the acquisition of ROS and critical habitat for threatened or endangered species. Acquisition must be a conservation easement.

Lands eligible for acquisition are forest lands within unconfined CMZ or forest lands containing critical habitat for threatened or endangered species as designated by the Board.

**EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Amendments):** Clarifies the compensation method for determining timber and land values under conservation easements.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Second Substitute House Bill:** PRO: This bill expands the ROS Program to include upland habitat protection. This bill comes from the Spotted Owl Work Group and others who have viewed the ROS Program as being very efficient and effective. This bill is part of a settlement agreement; it is important to conserve critical habitat for endangered and threatened species. DNR has identified a concern relating to the removal of the fee interest ownership. Language remains in the bill relating to the valuation process for both the timber and land value that apply to fee ownership, which could create a situation where future easements, instead of only including the timber value, would include the land value as well, even though the land is not being purchased.

**Persons Testifying:** PRO: Peter Goldmark, Heath Packard, DNR; Robert Meier, Rayonier; Mark Doumit, Washington Forest Protection Association.