

# HOUSE BILL REPORT

## HB 2311

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### As Reported by House Committee On:

Natural Resources  
Appropriations

**Title:** An act relating to small forest landowners.

**Brief Description:** Changing provisions relating to small forest landowners.

**Sponsors:** Representatives Doumit, Sump, Jackley, Rockefeller, Kessler, Eickmeyer, Hatfield, Delvin, Buck, Linville, Upthegrove, Ericksen and Cairnes.

### Brief History:

#### Committee Activity:

Natural Resources: 1/18/02, 1/25/02 [DPS];

Appropriations: 2/6/02, 2/9/02 [DP2S(w/o sub NR)].

#### Brief Summary of Second Substitute Bill

- Authorizes the small forest landowners office to contract with, and reimburse small forest landowners for private consultants to perform timber cruises, lay out streamside buffers, and comply with other regulatory requirements.
- Staggers the terms of the initial representatives of small forest landowners appointed to the advisory committee.
- Requires the removal of qualifying timber prior to the expiration of the easement to be done in accordance with the forest practice rules and the terms of the easement.
- Requires the Board of Natural Resources to report to the Legislature in 2003 regarding their progress in developing alternate harvest plans and restrictions.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Doumit, Chair; Rockefeller, Vice Chair; Sump, Ranking Minority Member; Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

**Staff:** Jason Callahan (786-7117).

**Background:**

The small forest landowner office (office) was established within the Department of Natural Resources by the Legislature in 1999 as part of the Forests and Fish legislation. The office is required to work with small forest landowners on the development of alternate management plans or alternate harvest restrictions for riparian buffers, and is required to develop criteria for adoption by the Forest Practices Board (board) in a manual for these alternate management plans and harvest restrictions.

The Forests and Fish legislation established an advisory committee to assist the office in developing policy and recommending rules to the board. This advisory committee is composed of representatives of state agencies, tribes, and small forest landowners.

A forest landowner must obtain an approved forest practices application for timber harvest on his or her property as a prerequisite for participating in the forest riparian easement program. The office determines the amount of compensation to be offered to the small forest landowner for the easement.

The amount of compensation offered by the office for a riparian easement is an amount equal to 50 percent of the value of the timber that was covered in a forest practices application that is required to be left unharvested. Compensation for small forest landowners who are unable to obtain approval of a forest practices application because of forest practice rules restrictions is determined by the office. If any timber is removed prior to the expiration of the 50-year easement, the office is required to apply a reduced compensation factor to determine the value of those trees based on the proportional economic value lost to the landowner, considering income and growth. The compensation also includes the landowner's compliance costs. These costs account for the preparing and recording of the easement and any business and occupation or real estate taxes.

The office is authorized to contract with private consultants to conduct timber cruises of forestry riparian easements, for laying out streamside buffers, or for other regulatory requirements associated with the forest riparian easement program.

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**Summary of Substitute Bill:**

The small forest landowner office (office) is authorized to contract with private consultants to perform timber cruises, lay out streamside buffers, and comply with other regulatory requirements related to the small forest landowner riparian easement program. Once a contract has been executed, the department must reimburse the landowners for the actual cost incurred by complying with the program's requirements.

The initial representatives of small forest landowners appointed to the advisory committee

to the office are given staggered terms. Two of the four members will serve five-year terms, and the other two will serve four-year terms. After these terms are completed, all members will serve four-year terms. The tribal representative to the advisory committee must be selected by the Commissioner of Public Lands from a list supplied by the tribal community.

Removal of qualifying timber prior to the expiration of the easement must be done in accordance with the forest practice rules and the terms of the easement. Removing the timber does not result in reduced compensation to the landowner.

Legislative intent is stated to give small forest landowners access to alternative plan processes and harvest restrictions that meet public resource protection standards and lowers the overall cost of regulation to small landowners. The Board of Natural Resources must report to the Legislature by July 1, 2003 and describe the progress made towards developing alternate plans and harvest restrictions.

**Substitute Bill Compared to Original Bill:**

The original bill did not contain specifics relating to how the tribal member to the advisory committee is to be appointed.

The original bill required the small forest landowners office to directly reimburse landowners for the compliance costs incurred by any hiring forest consultant. The substitute requires that the consultant be contracted with the Department of Natural Resources.

The original bill restated the Board of Natural Resources' responsibility to adopt rules relating to alternate harvest plans and restrictions, and did not require a report to the legislature.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill helps small forest landowners remove trees from easement buffers to maintain overall forest health. Family forests contribute to both the economic and environmental well-being of both rural and urban areas and should be supported. Changes that help small forest landowners maintain standing trees helps the state maintain valuable habitat for fish and wildlife.

The current law is silent as to how a tribal representative is appointed to the advisory committee and that has led to confusion in the past.

**Testimony Against:** None.

**Testified:** (In support, with concerns) Martin Flynn and Sherry Fox, Washington Farm Forestry Association; Pat McElroy, Department of Natural Resources; and Stephen Bernath, Department of Ecology.

(Neutral, with concerns) David Whipple, Department of Fish and Wildlife.

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## **HOUSE COMMITTEE ON APPROPRIATIONS**

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by 25 members: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin, Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

**Staff:** Jeff Olsen (786-7157).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Natural Resources:**

The second substitute removes changes relating to the submission of a list of names from tribal representatives for the Small Forest Landowner Advisory Committee and restores the underlying law.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The substitute bill eliminates any fiscal costs to the Department of Natural Resources. The bill ensures small forest landowners are compensated in full.

**Testimony Against:** (Concerns) Changes to how the tribal representative is chosen for the Small Forest Landowner Office are unacceptable. The original language should be restored.

**Testified:** (In support) Leonard Young, Department of Natural Resources; Sherry Fox,

President, and Washington Farm Forestry Association.

(Concerns) Dawn Pucci, Suquamish Tribe; and Jeffrey Thomas, Puyallup Tribe.