

ESSB 5330 - H COMM AMD  
By Committee on Appropriations

ADOPTED 04/17/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) Small forestland owners own and  
4 manage approximately three million two hundred thousand acres of  
5 Washington's forestlands and exert a tremendous influence on public  
6 resources, including fish bearing streams, water quality, air,  
7 wildlife habitat, and carbon sequestration.

8 (2) Adoption of the forests and fish report was made possible, in  
9 part, by the agreement of small forestland owners who supported the  
10 intent of the law despite significant economic impacts to some  
11 members of the small forestland owner community. Twenty years after  
12 the adoption of the forests and fish report, it is time to evaluate  
13 how the increased regulations have impacted small forestland owners  
14 and their land.

15 (3) When the forests and fish report was adopted, the legislature  
16 enacted RCW 76.13.100 as follows:

17 "(1) The legislature finds that increasing regulatory  
18 requirements continue to diminish the economic viability of small  
19 forest landowners. The concerns set forth in RCW 77.85.180 about the  
20 importance of sustaining forestry as a viable land use are  
21 particularly applicable to small landowners because of the location  
22 of their holdings, the expected complexity of the regulatory  
23 requirements, and the need for significant technical expertise not  
24 readily available to small landowners. The further reduction in  
25 harvestable timber owned by small forest landowners as a result of  
26 the rules to be adopted under RCW 76.09.055 will further erode small  
27 landowners' economic viability and willingness or ability to keep the  
28 lands in forestry use and, therefore, reduce the amount of habitat  
29 available for salmon recovery and conservation of other aquatic  
30 resources, as defined in RCW 76.09.020.

31 (2) The legislature finds that the concerns identified in  
32 subsection (1) of this section should be addressed by establishing

1 within the department of natural resources a small forest landowner  
2 office that shall be a resource and focal point for small forest  
3 landowner concerns and policies. The legislature further finds that a  
4 forestry riparian easement program shall be established to acquire  
5 easements from small landowners along riparian and other areas of  
6 value to the state for protection of aquatic resources. The  
7 legislature further finds that small forest landowners should have  
8 the option of alternate management plans or alternate harvest  
9 restrictions on smaller harvest units that may have a relatively low  
10 impact on aquatic resources. The small forest landowner office should  
11 be responsible for assisting small landowners in the development and  
12 implementation of these plans or restrictions."

13 (4) The twentieth anniversary of the adoption of the forests and  
14 fish report into law presents an optimal time to review how the  
15 state's regulatory actions, intended to benefit both landowners and  
16 habitat, have affected small forestland owners. How have programs  
17 intended to make up for the disproportionate economic impact been  
18 implemented? What can the legislature do to keep small forestland  
19 owners on the landscape, so their land will be available for salmon  
20 habitat and water quality rather than converted?

21 (5) (a) The school of environmental and forest sciences within the  
22 college of the environment at the University of Washington must  
23 complete a trends analysis.

24 (b) The trends analysis must address, at a minimum, the following  
25 questions:

26 (i) Have the number of small forestland owners increased or  
27 decreased?

28 (ii) (A) Has the acreage held by small forestland owners increased  
29 or decreased?

30 (B) Of the land no longer owned by small forestland owners, what  
31 percentage was converted to nonforest use, became industrial  
32 forestland, trust land, or some other use?

33 (c) (i) The school of environmental and forest sciences at the  
34 University of Washington, using the data from the trends analysis and  
35 other pertinent information, must:

36 (A) Determine which factors contributed to small forestland  
37 owners selling their land;

38 (B) Recommend actions the legislature can take to help keep  
39 forestland working; and

1 (C) Assess the effectiveness and implementation of the programs  
2 created in RCW 76.13.100(2) which described three programs to assist  
3 small forestland owners and mitigate the disproportionate economic  
4 impact. The assessment must include:

5 (I) Evaluating the effectiveness of the small forest landowner  
6 office: Does it have adequate resources and authority to successfully  
7 address landowner concerns? Has it received adequate funding to  
8 implement fully the duties as assigned through RCW 76.13.110?

9 (II) Forest riparian easement program: Does the structure of the  
10 program adequately address economic impact to small forestland  
11 owners? Has funding kept up with need? Has the lack of funding  
12 resulted in the loss of riparian habitat?

13 (III) Have meaningful alternate management plans or alternate  
14 harvest restrictions been developed for smaller harvest units?

15 (IV) Has the family forest fish passage program addressed  
16 economic impact to landowners and fish passage barriers adequately?

17 (ii) Would meaningful alternate harvest restrictions reduce the  
18 financial burden on the forest riparian easement program?

19 (iii) How can the legislature incentivize small forestland owners  
20 to maintain their land as forestland?

21 (iv) Could a program be developed to facilitate small forestland  
22 owner's participation in carbon markets?

23 (6) The University of Washington may reach out to a broad variety  
24 of stakeholders for input.

25 (7) The policy analysis must use the trends analysis, the  
26 regulatory impact analysis, and other data to provide recommendations  
27 on ways the forest practices board and the legislature can provide  
28 more effective incentives to encourage continued management of  
29 nonindustrial forests for forestry uses, including traditional timber  
30 harvest uses, open space uses, or as part of developing carbon market  
31 schemes.

32 (8) The University of Washington must report the results of the  
33 trends analysis and policy analysis to the appropriate committees of  
34 the legislature and the forest practices board by November 1, 2020,  
35 with recommendations to improve mitigation measures for small  
36 forestland owners and improve retention of working forestland held by  
37 small forestland owners.

38 (9) This section expires December 31, 2020.

1        NEW SECTION.    **Sec. 2.**    If specific funding for the purposes of  
2 this act, referencing this act by bill or chapter number, is not  
3 provided by June 30, 2019, in the omnibus appropriations act, this  
4 act is null and void."

5        Correct the title.

EFFECT: Adds a null and void clause. The bill is null and void  
unless funded in the budget.

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