

# SENATE BILL REPORT

## ESSB 5330

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As Passed Senate, February 27, 2019

**Title:** An act relating to analyzing state regulatory impact on small forestland owners.

**Brief Description:** Analyzing state regulatory impact on small forestland owners.

**Sponsors:** Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Braun, Van De Wege, Takko, Short, Becker, Rivers, Wagoner and Warnick).

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/31/19, 2/07/19 [DPS].

**Floor Activity:**

Passed Senate: 2/27/19, 49-0.

**Brief Summary of Engrossed First Substitute Bill**

- Directs the University of Washington School of Environmental and Forest Sciences to complete a trends analysis and regulatory impact analysis on small forestland owners.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 5330 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

**Staff:** Jeff Olsen (786-7428)

**Background:** The Forest and Fish Report was issued in 1999 and contained recommendations for developing and implementing rules and programs designed to improve and protect riparian habitat on non-federal forest lands in Washington. The rules proposed in the report were designed to provide compliance with the federal Endangered Species Act,

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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.*

restore and maintain minimum riparian habitat to support a harvestable supply of fish, meet Clean Water Act standards, and keep the timber industry economically viable.

The Legislature adopted the Forests and Fish Law in response to the Forest and Fish Report. The law directed the Forest Practices Board (Board) to adopt emergency rules implementing the recommendations of the Forest and Fish Report. Among other things, the Forests and Fish Law created the Small Forest Landowner's Office (SFLO) in the Department of Natural Resources, the Forestry Riparian Easement Program, and directed the developing alternate management plans or harvest restrictions.

**Summary of Engrossed First Substitute Bill:** The University of Washington School of Environmental and Forest Sciences must complete a trends analysis that examines whether the number of small forestland owners has increased or decreased, whether the acreage held by small forestland owners has increased or decreased, and if certain forest lands previously held by small forestland owners have been converted to other uses. The University of Washington School of Environmental and Forest Sciences must also determine which factors contributed to small forestland owners selling their land and recommend actions the Legislature can take to keep forestland working. In addition, the analysis must review the effectiveness of the SFLO, the Forestry Riparian Easement Program, and the use of alternate harvest management plans. The University of Washington School of Environmental and Forest Sciences must report its findings to the appropriate committees of the Legislature by November 1, 2020. The report must include recommendations to improve mitigation measures for small forestland owners and improve retention of working forestland held by small forestland owners.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** Yes.

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

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: It has been 20 years since the passage of the Forest and Fish Act, and it is time to take a look at the impact on small forest landowners. The Small Forest Landowner Office is required to provide a report to the Legislature every four years including a trend analysis. It is time to update information regarding small forest landowners. The DNR regulates forest practices, so may not be the best option for performing the analysis. The University of Washington should update work they have done back in 2007. The assistance for small forest landowners has had limited success, mostly due to lack of funding. Small forest landowners hold 50 percent of the private forestlands in the state, and the DNR is supportive of looking at what is impacting small forest landowners and how to maintain working forests.

**Persons Testifying:** PRO: Senator John Braun, Prime Sponsor; Elaine Oneil, Executive Director, Washington Farm Forestry Association; Ken Miller, Former President, Washington Farm Forestry Association; Victor Musselman, President, Washington Farm Forestry

Association; Stephen Bernath, Deputy for Forest Practices, Department of Natural Resources.

**Persons Signed In To Testify But Not Testifying:** No one.