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**SUBSTITUTE SENATE BILL 5330**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

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

READ FIRST TIME 02/08/19.

1 AN ACT Relating to analyzing state regulatory impact on small  
2 forestland owners; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

18 "(1) The legislature finds that increasing regulatory  
19 requirements continue to diminish the economic viability of small  
20 forest landowners. The concerns set forth in RCW 77.85.180 about the  
21 importance of sustaining forestry as a viable land use are

1 particularly applicable to small landowners because of the location  
2 of their holdings, the expected complexity of the regulatory  
3 requirements, and the need for significant technical expertise not  
4 readily available to small landowners. The further reduction in  
5 harvestable timber owned by small forest landowners as a result of  
6 the rules to be adopted under RCW 76.09.055 will further erode small  
7 landowners' economic viability and willingness or ability to keep the  
8 lands in forestry use and, therefore, reduce the amount of habitat  
9 available for salmon recovery and conservation of other aquatic  
10 resources, as defined in RCW 76.09.020.

11 (2) The legislature finds that the concerns identified in  
12 subsection (1) of this section should be addressed by establishing  
13 within the department of natural resources a small forest landowner  
14 office that shall be a resource and focal point for small forest  
15 landowner concerns and policies. The legislature further finds that a  
16 forestry riparian easement program shall be established to acquire  
17 easements from small landowners along riparian and other areas of  
18 value to the state for protection of aquatic resources. The  
19 legislature further finds that small forest landowners should have  
20 the option of alternate management plans or alternate harvest  
21 restrictions on smaller harvest units that may have a relatively low  
22 impact on aquatic resources. The small forest landowner office should  
23 be responsible for assisting small landowners in the development and  
24 implementation of these plans or restrictions."

25 (4) The twentieth anniversary of the forest and fish law presents  
26 an optimal time to review how state regulatory action, intended to  
27 benefit both landowners and habitat, has affected small forestland  
28 owners. How have programs intended to make up for the  
29 disproportionate economic impact been implemented? What can the  
30 legislature do to keep small forestland owners on the landscape, so  
31 their land will be available for salmon habitat rather than  
32 converted?

33 (5)(a) A legislative work group is created to analyze the state  
34 regulatory impact on small forestland owners. The work group is  
35 comprised of four members from the western legislative forestry task  
36 force, one each from the two largest caucuses in the house of  
37 representatives, and one each from the two largest caucuses of the  
38 senate. The work group may contract with outside entities such as the  
39 Olympic natural resources center.

1 (b) The work group must address, at a minimum, the following  
2 questions:

3 (i) Have the number of small forestland owners increased or  
4 decreased?

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

7 (B) Did land no longer owned by small forestland owners convert  
8 to nonforest use, become industrial forestland, land trust land, or  
9 some other use?

10 (iii) In RCW 76.13.100(2) the legislature described three  
11 programs to assist small forestland owners and mitigate the  
12 disproportionate economic impact. How have those three programs been  
13 implemented?

14 (A) Small forestland owner office: Does it have adequate  
15 resources and authority to successfully address landowner concerns?

16 (B) Forest riparian easement program: Does the structure of the  
17 program adequately address economic impact to landowners? Has funding  
18 kept up with need? How has the lack of funding affected the stability  
19 of riparian habitat?

20 (C) Have meaningful alternate management plans or alternate  
21 harvest restrictions been developed for smaller harvest units?

22 (iv) Would meaningful alternate harvest restrictions reduce the  
23 financial burden on the forest riparian easement program?

24 (v) How can the legislature incentivize small forestland owners  
25 to maintain their land as forestland?

26 (vi) Could a program be developed to facilitate small forestland  
27 owner's participation in carbon markets?

28 (6) The work group must report to the appropriate committees of  
29 the legislature by November 1, 2020, with recommendations to improve  
30 retention of working forestland held by small forestland owners.

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