

# FINAL BILL REPORT

## 2SHB 1484

---

### PARTIAL VETO C 354 L 09 Synopsis as Enacted

**Brief Description:** Regarding habitat open space.

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

**House Committee on Agriculture & Natural Resources**  
**House Committee on General Government Appropriations**  
**House Committee on Capital Budget**  
**Senate Committee on Natural Resources, Ocean & Recreation**

#### **Background:**

The Washington Forest Practices Board (Board) was established in 1975 by the Legislature under the state Forest Practices Act. The Board is charged with establishing rules to protect the state's natural resources while maintaining a viable timber industry.

The Board established by rule a Riparian Open Space Program that allows for the acquisition of lands within unconfined avulsing channel migration zones. An "unconfined avulsing stream" experiences abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. An "unconfined avulsing channel migration zone" means 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. The unconfined avulsing channel migration zone does not include areas permanently restricted from channel movement by a dike or levee.

Qualifying landowners can apply to donate or sell their land and/or timber in designated forest land that exists along migrating stream channels. They can also sell the state permanent conservation easements covering the timber and/or forest land. Once acquired, these lands may be held and managed by the Department of Natural Resources (DNR), transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy organization. The rules must provide for the management of the lands for ecological protection or fisheries enhancement.

---

*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.*

The DNR manages certain lands for the benefit of the county where the lands are located. Revenue from these lands is divided between the county and the DNR.

The DNR is authorized to transfer or dispose of certain lands without public auction if the lands are 10 acres or less in size or valued at less than \$25,000, or if the transfer is designed to settle trespass issues or take the place of condemnation. Proceeds from any transfers are deposited into the Park Land Trust Revolving Fund and are used to buy replacement lands within the same county.

The DNR also manages the Trust Land Transfer Program (Program), which is typically authorized and funded in each biennial capital budget. The Program is generally used to reposition less productive lands with lands that can sustain a higher timber yield.

**Summary:**

The Board must establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered. At the landowner's option, acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the Board.

An exception for payment of back taxes for designated forest land is created for forest land located in counties with a population greater than 600,000, if the sale or transfer of land is to a governmental entity, nonprofit historic preservation, or nonprofit nature conservancy corporation for the purpose of conserving open space land.

The DNR is authorized to transfer lands to another public agency without an auction if the lands are located in a county with a population of 25,000 or less and if the lands are encumbered with timber harvest deferrals associated with wildlife species listed under the federal Endangered Species Act. To qualify, the timber deferrals in a county must be for a period of 30 years or longer.

Appraisals for the valuable materials located on the lands must be based on the fair market value of the land without consideration of the management or regulatory encumbrances. Any proceeds associated with the valuable materials located on the transferred lands must be distributed between the county where the transferred land is located and the DNR. The proceeds from real property that is transferred or disposed must be solely used to purchase replacement forest land that is actively managed as a working forest within the same county as the property transferred or disposed.

By October 31, 2010, the DNR must report to the Legislature the procedure and timeline and the estimated costs of conducting the transfers from the qualifying counties. The report must assume that transfers will occur through the trust land transfer program and that the transferred lands will become natural resource conservation areas.

Recommendations and estimates in the report must also assume that the land transfer will occur at a specified biennial rate designated to provide sustainable revenues to the affected

counties and that the land and timber values will be distributed separately, with timber revenues directed to the county and land revenues use to fund future land purchases.

**Votes on Final Passage:**

House	97	0	
Senate	46	0	(Senate amended)
House	98	0	(House concurred)

**Effective:** July 26, 2009

**Partial Veto Summary:** The Governor's partial veto eliminated the requirement that the Forest Practices Board establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species.