

SENATE BILL REPORT

SB 5401

As of February 4, 2009

Title: An act relating to habitat open space.

Brief Description: Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered.

Sponsors: Senators Morton, Jacobsen, Stevens, Ranker, Hatfield, Roach and Kline.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/04/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Sherry McNamara (786-7402)

Background: The Legislature added the Riparian Open Space (ROS) Program to the Forest Practices Act in 1999. The ROS program provides landowners compensation for lands within unconfined avulsing channel migration zones that cannot be harvested due to the Forest Practices rules. The Department of Natural Resources (DNR) is directed to purchase qualifying land in order to manage that land for ecological protection or fisheries enhancement. Lands may be purchased either as fee land or as a perpetual conservation easement. The DNR may retain and manage these lands or transfer the land or easement to another state agency, a local governmental agency, or a private non-profit nature conservancy program.

Since 2001 the DNR has purchased 583 acres of qualifying channel migration zone (CMZ) lands for a total value of \$1,470,000. An unconfined avulsing CMZ is 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.

Summary of Bill: The Forest Practices Board must establish by rule a program for the acquisition of habitat of federally-listed species on private forest lands. Lands eligible for acquisition are forest lands containing habitat of species that are federally listed as threatened or endangered. At the landowner's option, acquisition may be of a fee interest or conservation easement. Lands acquired must be managed as riparian or habitat open space.

Appropriation: None.

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.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The Spotted Owl Working Group has been meeting over the past year to reach a mediated agreement in the ongoing litigation. The group worked collaboratively to develop incentives for private landowners to support and protect endangered and threatened species. This bill uses a market-based approach to acquire habitat. For willing sellers it uses a fair market appraisal to compensate landowners for critical habitat areas. The ROS program has been highly effective and this is an expansion of that program.

Persons Testifying: PRO: Nina Carter, Seattle Audubon and Audubon Washington; Mark Doumit, Washington Forest Protection Association; Robert Meier, Rayonier; Ed Owens, Hunters Heritage Council; Heath Packard, DNR; David Whipple, Washington Department of Fish and Wildlife.