
Agriculture & Natural Resources
Committee

HB 2126

Brief Description: Initiating the adaptive management program within the forests and fish law to ensure that no proposed timber harvest is negatively affected solely due to its proximity to a stream that is not a fish bearing stream.

Sponsors: Representatives Holy, Blake, Kretz, Buys, Schmick and Condotta.

Brief Summary of Bill

- Requires the Forest Practices Board to initiate the adaptive management process of the Forest Practices Rules to ensure that a proposed timber harvest is not denied, delayed, or conditioned solely on its proximity to a stream that is not a fish bearing stream.

Hearing Date: 2/18/15

Staff: Jason Callahan (786-7117).

Background:

History of the Forests and Fish Law.

The Forest and Fish Report was presented to the Forest Practices Board (Board) and the Governor's Salmon Recovery Office on February 22, 1999. The report contained the recommendations for the development and implementation of rules, statutes, and programs designed to improve and protect riparian habitat on non-federal forest lands in Washington. The report was authored by various stakeholders, including the federal government, state government, and various interest and constituency groups. The rules proposed in the report were designed to provide compliance with the federal Endangered Species Act, 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.

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 Legislature recognized the Forest and Fish Report in 1999 by passing the Forests and Fish Law (Chapter 004, Laws of 1999, 1st Sp. Sess.). The law directed the Board to adopt emergency rules implementing the recommendations of the Forest and Fish Report. In the years since, the resulting forest practices rules have been adopted and assurances from the federal government have been obtained. The assurances provide some certainty that forestry operations conducted in compliance with the rules will be protected from liability under the Endangered Species Act.

The Adaptive Management Program is a component of the Department of Natural Resources Forest and Fish Report implementation. The Adaptive Management Program provides science-based recommendations and technical information to assist the Board in determining if and when it is necessary or advisable to adjust forest practice rules and guidance for protecting aquatic resources on state and private forestlands.

Within the Adaptive Management Program, the Cooperative Monitoring, Evaluation, and Research Committee (CMER) is the scientific component. The CMER is responsible for conducting research and validation and effectiveness monitoring. A separate committee, known as the Timber, Fish, and Wildlife Policy Committee (Policy Committee), oversees the work of the CMER and advances recommendations to the Board.

Summary of Bill:

The Board is directed to initiate the adaptive management process of the Forest Practices Rules to ensure that a proposed timber harvest is not denied, delayed, or conditioned solely on its proximity to a stream segment with any surface location where a measureable flow of water of one cubic foot per second or more exists for at least one period of 30 continuous days during the previous 60 months. As part of initiating the adaptive management process, the Board must prioritize a work plan for the CMER and Policy Committee

The Board must report back to the Legislature by October 31, 2016, with details regarding the adaptive management process and the resulting changes to the Forest Practices Rules. If no changes are made to the Forest Practices Rules are completed by October 31, 2016, then the report must explain why a rule change was not necessary to accomplish the goals of the bill.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.