

FINAL BILL REPORT

SB 5390

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Synopsis as Enacted

Brief Description: Establishing a programmatic safe harbor agreement on forestlands.

Sponsors: Senators Shewmake, Warnick, Rolfes, Stanford, Nguyen and Wilson, C..

Senate Committee on Agriculture, Water, Natural Resources & Parks
Senate Committee on Ways & Means
House Committee on Agriculture and Natural Resources
House Committee on Appropriations

Background: The northern spotted owl was listed as an endangered species in Washington State by the Washington Fish and Wildlife Commission in 1988, and was listed as a threatened species under the Endangered Species Act (ESA) in 1990.

Under a safe harbor agreement (SHA), participating landowners voluntarily undertake management activities on their properties to enhance, restore, or maintain habitat benefiting species listed under the ESA. An SHA encourages private and other non-federal property owners to implement conservation efforts for listed species, by assuring property owners they will not be subject to increased land use restrictions as a result of efforts to attract or increase the numbers or distribution of a listed species on their property.

In 2009, Port Blakely signed a 60-year SHA with the U.S. Fish and Wildlife Service to protect spotted owl and marbled murrelet habitat on 45,000 acres in Lewis County, Washington.

Summary: The Department of Natural Resources (DNR) may administer a programmatic SHA for the northern spotted owl for any forestland owner. Participation in this agreement by forestland owners is strictly voluntary. DNR must consult with the Washington Department of Fish and Wildlife (WDFW) for technical assistance regarding habitat assessments of candidate parcels and implementation of the SHA. DNR and WDFW must enter into and maintain an interagency agreement to ensure implementation of the state's obligations under the SHA and to ensure WDFW is available to support the SHA.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

When administering the programmatic SHA for the northern spotted owl, DNR is granted authority to administer the federal permit, monitor compliance with the terms of certificates of inclusion, suspend or terminate landowner participation from the program, and provide all other landowner technical assistance as needed to facilitate program implementation. DNR must be able to access candidate parcels to ensure program eligibility or compliance under the SHA.

The Forest Practices Board may adopt or amend rules to implement the SHA. Decisions of DNR to issue certificates of inclusion or to suspend or terminate a landowner's participation in the program may be reviewed in the same manner as forest practices applications.

Votes on Final Passage:

Senate 48 0

House 98 0

Effective: July 23, 2023