

SENATE BILL REPORT

SHB 1985

As Reported By Senate Committee On:
Natural Resources & Parks, March 28, 1997
Ways & Means, April 7, 1997

Title: An act relating to forest practices landscape management plan pilot projects.

Brief Description: Allowing for pilot project landscape management plans.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Buck, Regala, Sump, Pennington, Sheldon, Hatfield, Anderson, Butler and Dyer).

Brief History:

Committee Activity: Natural Resources & Parks: 3/25/97, 3/28/97 [DP-WM]
Ways & Means: 4/4/97, 4/7/97 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Staff: Vic Moon (786-7469)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators West, Chair; Strannigan, Vice Chair; Bauer, Fraser, Kohl, Long, McDonald, Roach, Rossi, Schow, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

Staff: Cathy Baker (786-7708)

Background: The state's forest practices statutes call for the protection of forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty, coincident with the maintenance of a viable forest products industry. Some forest practices rules address the protection of public resources,— which are defined as water, fish and wildlife, and capital improvements of the state or its political subdivisions.

Currently, the standard process for conducting forest management activities such as timber harvesting is to submit an application requesting to conduct the forest practice to the Department of Natural Resources. The department reviews the application to see if it complies with the state's forest practices rules. If the department approves the application, the approval is normally in effect for a period of two years.

Summary of Bill: Landowners and resource managers should be provided incentives to voluntarily develop long-term multispecies landscape management plans that will provide protection to public resources. Because landscape planning represents a departure from the use of standard baseline rules and may result in unintended consequences to both the affected habitats and to a landowner's economic interests, the Legislature desires to establish up to seven experimental pilot programs in order to gain experience with landscape planning that may prove useful in fashioning legislation of a more general application.

Until December 31, 2000, the Department of Natural Resources has authority to select not more than seven pilot projects for the purpose of developing individual landowner multispecies landscape management plans. The department must act in cooperation with the Department of Fish and Wildlife and, when relating to water quality protection, the Department of Ecology. When choosing the number and location of pilot projects, the agencies consider factors such as the risk to the habitat and species, the variety and importance of species and habitats in the planning area, geographic distribution, surrounding ownership, other landscape planning and watershed planning activities in the area, potential benefits to water quantity and quality, and the financial and staffing capabilities of participants.

Each pilot project must have a landscape management plan that contains certain required elements. Required elements include identification of the public resources selected for coverage under the plan and measurable objectives for the protection of these resources; a termination date of not later than 2050; identification of the forest practices rules that will not apply during the term of the plan; proposed habitat management strategies or prescriptions; provisions for monitoring, reporting and adaptive management; and conditions under which a plan may be modified or terminated.

Until December 31, 2000, the agencies will approve a landscape management plan and enter into a binding implementation agreement with the landowner when the agencies find that, based upon the best scientific data available

- the plan contains all of the required elements including measurable public resources objectives;
- the plan is expected to be effective in meeting those objectives;
- the landowner has sufficient financial resources to implement the management strategies or prescriptions called for in the plan;
- the plan provides better protection than current state law for the public resources selected for coverage under the plan considered in the aggregate and, when compared to conditions that would result from compliance with current state law, will not result in poorer habitat conditions over the life of the plan for any threatened, endangered, or candidate species selected for coverage in the plan, and will measurably improve habitat conditions for species selected for special consideration under the plan;
- the plan includes watershed analysis or provides for a level of protection that meets or exceeds the protection that would be provided by watershed analysis, if the landowner selects fish or water quality as a public resource to be covered under the plan; and

- the planning process provides for a public participation process, which will be developed by the department in cooperation with the landowner.

The department must provide an opportunity for public comment on the proposed plan for not less than 45 days. The department must approve or reject a proposed plan within 120 days of submittal of the plan. The department's decision to approve or disapprove a plan is subject to review under the State Environmental Policy Act (SEPA) and to appeal to the Forest Practices Appeals Board.

Once a landscape management plan is adopted, the department is authorized to issue a single landscape level permit which is valid for the life of the plan. A landowner who receives a landscape level permit must meet annually with the state agencies to review the forest practices activities planned for the next 12 months and to determine whether such activities are in compliance with the plan. The state agencies will consult with affected Indian tribes and other parties who have expressed an interest in connection with the review. Forest practices that are consistent with the plan need not comply with the specific state forest practices rules identified in the plan, nor with certain new forest practices rules adopted after the approval of the plan. For SEPA purposes, forest practices conducted in compliance with an approved plan are deemed not to have the potential for a substantial impact on the environment as to any public resource selected for coverage in the plan. If a landowner has selected fish as one of the public resources covered under the plan, then the approved plan will serve as an hydraulic project approval from the Department of Fish and Wildlife for the life of the plan. Except as otherwise provided in the plan, the agreement implementing the landscape management plan is an agreement that runs with the property covered by the approved plan.

The state agencies will seek to develop memorandums of agreement with federal agencies and affected Indian tribes that relate to tribal issues in the landscape management plans. The agencies will solicit input from affected Indian tribes in connection with the selection, review, and approval of any landscape management plan. If any recommendation from an affected Indian tribe is not adopted by the agencies, the agencies will provide a written explanation of their reasons for not adopting the recommendation.

Pilot project participants are selected no later than October 1, 1997. Management plans must be submitted to the state agencies no later than March 1, 2000. The Department of Natural Resources must report to the state Forest Practices Board annually on the status of each pilot project. The department provides to the board by December 31, 2000, an evaluation of the pilot projects, including a determination about whether a permanent landscape planning process should be established, and a discussion of what legislative and rule modifications are necessary. The state agencies will develop a suitable process, jointly issued by the agencies, to permit landowners to secure all permits required for the conduct of forest practices in a single multi-year permit. The agencies must report to the Legislature on their efforts no later than December 31, 2000.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This would provide an alternative method to protect wildlife and harvest trees which might be used instead of an HCP under the federal Endangered Species Act. All the timber/fish/wildlife groups support this bill.

Testimony Against: None.

Testified: PRO: Art Stearns, DNR; Bill Wilkerson, WFPA; Rollie Geppert WDFW; Casie Philips, Weyerhaeuser Company; Dick Wallace, Ecology Department; John Hassell, Simpson Timber Company; Steve Tveit, Boise Cascade; Ron Shultz, National Audubon.

Testimony For (Ways & Means): Landscape management plans will help landowners meet both state and federal requirements for protecting endangered species. The plans will help provide regulatory certainty for landowners and will help the state respond to listings under the Endangered Species Act. Full funding is critical to ensure that these pilot projects are successful. Over time, landscape management plans should result in cost savings for both the state and private landowners.

Testimony Against (Ways & Means): None

Testified (Ways & Means): PRO: Representative Jim Buck (prime sponsor); Tim Boyd, Washington Forest Protection Association; Ron Schultz, National Audubon Society; Rollie Geppert, Department of Fish and Wildlife; Art Stearns, Department of Natural Resources; Dick Wallace, Department of Ecology.