

HOUSE BILL REPORT

HB 2106

As Reported by House Committee On:

Natural Resources

Title: An act relating to extending the time for the forest practices board to complete rule making required to implement the forests and fish report.

Brief Description: Extending the time for the forest practices board to complete rule making required to implement the forests and fish report.

Sponsors: Representatives Sump, Doumit and Pearson.

Brief History:

Committee Activity:

Natural Resources: 2/19/01, 2/21/01 [DPS].

Brief Summary of Substitute Bill

- Extends the deadline for rulemaking by the Forest Practices Board under the Forests and Fish Report from June 30, 2001 to October 1, 2001.
- Extends the effective date for emergency rules to the effective date of the permanent rules.
- Specifies that the permanent rules take effect on March 15, 2001.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Staff: Jason Callahan (786-7117).

Background:

The Forest and Fish report was presented to the Forest Practices Board and the Governor's Salmon Recovery Office on February 22, 1999. The report represents the

recommendations of the authors 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, tribal governments, and various interest and constituency groups. The rules proposed in the Forest and Fish report are designed to provide compliance with the 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.

In 1999 the Legislature recognized the contributions and efforts of the Forest and Fish report. The Forest Practices Board adopted emergency rules implementing the recommendations of the Forest and Fish report and was encouraged by the Legislature to follow the recommendations from the report when adopting permanent rules. If the Forest Practices Board chooses to adopt rules inconsistent with the Forest and Fish Report, the reasoning behind proposed rules must be explained to the Legislature. Currently, the Forest Practices Board has until June 30, 2001 to complete rulemaking under the Forest and Fish Report. Any rules adopted that are not consistent with the recommendations in the report may not take effect until 60 days into the legislative session following adoption.

Summary of Substitute Bill:

The deadline for rulemaking by the Forest Practices Board under the Forests and Fish Report is extended from June 30, 2001 to October 1, 2001, and the emergency rules are extended until the permanent rules take effect. The effective date for the permanent rules is scheduled for March 15, 2002.

Substitute Bill Compared to Original Bill:

The original bill did not extend the effective date of the emergency rules to the date the permanent rules take effect and did not set the effective date for the permanent rules.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The rulemaking proposed by the Forests and Fish Report is a huge undertaking and is very complex. There are hopes that the rules can be in place by the

original date; however, time is very short and the safety now provided by this bill would be helpful. A timeline that is too tight may result in mistakes being made and staff being burned out.

(In support with concerns) The bill leaves the bar for forest protection too low and the risks to natural resources continues.

Testimony Against: None.

Testified: (In support) Representative Sump, prime sponsor; and Eric Espenhorst, Friends of the Earth.

(In support with amendments) Pat McElroy, Department of Natural Resources; Dick Wallace, Ecology Forest Practices Board; and Judy Turpin.