

HOUSE BILL REPORT

SSB 5497

As Passed House:

April 5, 2001

Title: An act relating to excluding farm and agricultural land from forest land under the forest practices act.

Brief Description: Excluding farm and agricultural land from forest land under the forest practices act.

Sponsors: By Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, Swecker and Haugen).

Brief History:

Committee Activity:

Agriculture & Ecology: 3/30/01 [DP].

Floor Activity:

Passed House: 4/5/01, 97-0.

Brief Summary of Substitute Bill

- Specifies that agricultural land that is or was enrolled in the Conservation Reserve Enhancement Program is not included in the definition of "forest land" as that term is used in the Forest Practices Act.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 13 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Mielke, Republican Vice Chair; B. Chandler, Dunshee, Grant, Hunt, Kirby, Quall, Roach, Schoesler and Sump.

Staff: Jason Callahan (786-7117).

Background:

The Forest Practices Act defines "forest lands" as all lands capable of supporting a merchantable stand of timber that is not being actively used in a way that is incompatible with growing timber. Any landowner conducting a forest practice on forest lands must

comply with the provisions of the Forest Practices Act and its associated rules. Those rules consider what effects various forest practices have on fish, wildlife and water quality.

The Conservation Reserve Enhancement Program (CREP) is a joint federal and state program that uses financial incentives to encourage the owners of agricultural lands adjacent to streams containing salmonids listed under the federal Endangered Species Act to voluntarily plant native trees and shrubs. Lands are enrolled in the CREP program through a 10-15 year contract with the United States Department of Agriculture (USDA).

The federal CREP program is designed to address the specific conservation objectives of a state and the nation in a cost-effective manner, and to improve water quality, erosion control, and wildlife habitat in agricultural areas. In Washington, the CREP program is designed to restore riparian habitat. This goal is being pursued by funding projects that reduce water temperature to natural ambient conditions, reduce sediment and nutrient pollution, stabilize streambanks, and restore stream hydriodic and geomorphic conditions.

The CREP contract provides for reimbursement to the landowner for costs associated with planting and maintaining the trees and shrubs. Additionally, the landowner receives a rental payment each year that land is enrolled in the program. The rental payments are based on the soil rental rate as calculated by the USDA.

All agricultural and marginal pasture lands in Washington that provide spawning habitat for federally-listed salmon is eligible to participate in CREP. The initial stage of CREP in Washington provides for enrollment of up to 100,000 acres that will generally consist of riparian buffers up to 150 feet in width.

Summary of Bill:

Agricultural land that is or was enrolled in the Conservation Reserve Enhancement Program (CREP) is not included in the definition of "forest land" as that term is used in the Forest Practices Act, provided that a parcel of land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Individuals concerned about agriculture, fish and water all support the Conservation Reserve Enhancement Program (CREP) and would like to see it succeed; however, requiring compliance with the Forest Practices Act is discouraging participation. This bill has been discussed among the stakeholders and represents an agreeable approach.

Testimony Against: None.

Testified: Senator Rasmussen, prime sponsor; Ron Shultz, National Audubon Society; and Chris Cheney, Dairy Federation.