

# SENATE BILL REPORT

## SB 5497

---

As Reported By Senate Committee On:  
Agriculture & International Trade, February 16, 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:** Senators Rasmussen, Swecker and Haugen.

**Brief History:**

**Committee Activity:** Agriculture & International Trade: 2/7/01, 2/16/01 [DPS].

---

### SENATE COMMITTEE ON AGRICULTURE & INTERNATIONAL TRADE

**Majority Report:** That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder and Spanel.

**Staff:** Bob Lee (786-7404)

**Background:** Under the Forest Practices Act, forest lands are defined as all lands capable of supporting a merchantable stand of timber and not being actively used for a use that is incompatible with growing timber. Conducting a forest practice on forest lands requires compliance with applicable provisions of the Forest Practices Act and associated rules.

The Conservation Reserve Enhancement Program (CREP) is a joint federal and state program whereby agricultural lands adjacent to streams containing salmonids listed under the federal Endangered Species Act are planted to native trees and shrubs. Lands are enrolled in the CREP program through a contract that is entered into for a period of between 10 and 15 years. Under the contract, the landowner agrees to establish trees and shrubs on an area generally equivalent to 75 percent of the site potential tree height.

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.

There is a memorandum of agreement between the state of Washington and the United States Department of Agriculture that establishes a cap of 10,000 stream miles and 100,000 acres to be enrolled in the program. The National Marine Fisheries Service and the United States Fish and Wildlife Service has issued a biologic opinion on this program.

Currently, there are 68 signed contracts that cover 75 stream miles and 1400 acres. There is another 169 persons who are in some stage of the process.

**Summary of Substitute Bill:** Agricultural land enrolled by contract in the Conservation Reserve Enhancement Program is not included in the definition of forest land and thus is not subject to the Forest Practices Act and associated rules.

There are other regulations that cover land adjacent to water courses such as locally adopted critical area ordinances and regulations adopted under the federal Endangered Species Act.

**Substitute Bill Compared to Original Bill:** The original bill exempted all agricultural lands. The substitute bill exempts only agricultural lands enrolled in the conservation reserve enhancement program if the land was historically used for agricultural purposes and the landowner intends 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:** A major issue for landowners is what will they be able to do with their property after the term of the contract expires. This lack of clarity has hindered sign-ups.

**Testimony Against:** The definition in the original bill is unduly expansive and it should apply to CREP lands only. The current program doesn't allow land that grows perennial horticultural crops to become enrolled.

**Testified:** Bill Garvin, WA Forest Protection Assn. (con); Linda Johnson, WA Farm Bureau (pro); Bob Hutchens, WA Farm Bureau (pro); Jim Zimmerman, WA Cattlemen's Assn. (pro); Shane Erickson, Safeway (pro); Lee Faulconer, WA Dept. of Agriculture; Jim Halstrom, WA State Horticultural Assn. (pro); Ron Shultz, National Audubon Society (con); Chris Cheney, Dairy Federation/AFW Ag Caucus (pro).