
SECOND SUBSTITUTE HOUSE BILL 1095

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Rockefeller, Sump, Linville, Orcutt, Schoesler, Pearson, Holmquist, Haigh and Kristiansen; by request of Commissioner of Public Lands)

READ FIRST TIME 03/10/03.

1 AN ACT Relating to assisting small forest landowners with the
2 forest road maintenance and abandonment plan elements of the forest
3 practices rules; amending RCW 76.09.020, 76.09.055, and 76.09.390;
4 adding new sections to chapter 76.09 RCW; adding a new section to
5 chapter 76.13 RCW; adding a new section to chapter 77.12 RCW; creating
6 new sections; and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that chapter 4,
9 Laws of 1999 sp. sess. strongly encouraged the forest practices board
10 to adopt administrative rules that were substantially similar to the
11 recommendations presented to the legislature in the form of the forests
12 and fish report. The rules adopted pursuant to the 1999 legislation
13 require all forest landowners to complete a road maintenance and
14 abandonment plan, and those rules cannot be changed by the forest
15 practices board without either a final order from a court, direct
16 instructions from the legislature, or a recommendation from the
17 adaptive management process. In the time since the enactment of
18 chapter 4, Laws of 1999 sp. sess., it has become clear that both the

1 planning aspect and the implementation aspect of the road maintenance
2 and abandonment plan requirement may cause an unforeseen and unintended
3 disproportionate financial hardship on small forest landowners.

4 (2) The legislature further finds that the commissioner of public
5 lands and the governor have explored solutions that minimize the
6 hardship caused to small forest landowners by the forest road
7 maintenance and abandonment requirements of the forests and fish law,
8 while maintaining protection for public resources. This act represents
9 the bulk of the recommendations stemming from that process.

10 (3) The legislature further finds that it is in the state's
11 interest to help small forest landowners comply with the requirements
12 of the forest practices rules in a way that does not require the
13 landowner to spend unreasonably high and unpredictable amounts of money
14 to complete road maintenance and abandonment plan preparation and
15 implementation. Small forest landowners provide significant wildlife
16 habitat and serve as important buffers between urban development and
17 Washington's public forest land holdings. As such, the legislature
18 intends to implement the following principles so that small forest
19 landowners can feel confident that participation in the forests and
20 fish agreement will not mean the end of the small forest landowners'
21 way of life:

22 (a) The state may not require a small forest landowner to invest in
23 upgrades, replacements, or other engineering of a forest road, and any
24 culverts that are a part of the road, that do not threaten public
25 resources or create a barrier to the passage of fish.

26 (b) Participation in the forests and fish agreement provides a
27 benefit to both the landowner in terms of federal assurances, and the
28 public in terms of aquatic habitat preservation and water quality
29 enhancement; therefore, if conditions do threaten public resources or
30 create a barrier to the passage of fish, the road maintenance and
31 abandonment planning process may not require a small forest landowner
32 to take a positive action that will result in high cost without a
33 significant portion of that cost being shared by the public.

34 (c) Some fish barriers are more of a threat to public resources
35 than others; therefore, no small forest landowner should be required to
36 repair a fish barrier until higher priority fish barriers on other
37 lands in the watershed have been repaired.

1 (d) An existing culvert on land owned by a small forest landowner
2 may not be required to be replaced before the end of the culvert's
3 functional life if the culvert is functioning with little risk to
4 public resources, or if it was installed under an approved forest
5 practices application or notification, as long as the culvert has been
6 properly maintained and is capable of passing fish, unless public
7 funding is available from the small forest landowners office to pay one
8 hundred percent of the removal and replacement costs.

9 (e) The preparation of a road maintenance and abandonment plan can
10 require technical expertise that may require large expenditures before
11 the time that the landowner plans to conduct any revenue-generating
12 operations on his or her land; therefore, small forest landowners
13 should be allowed to complete a simplified road maintenance and
14 abandonment plan checklist, that does not require professional
15 engineering or forestry expertise to complete, and that does not need
16 to be submitted until the time that the landowner plans to conduct a
17 revenue-generating forest management activity. This act is intended to
18 provide an alternate way for small forest landowners to comply with the
19 road maintenance and abandonment plan goals identified in the forest
20 practices rules.

21 **Sec. 2.** RCW 76.09.020 and 2002 c 17 s 1 are each amended to read
22 as follows:

23 ~~((For purposes of this chapter:))~~ The definitions in this section
24 apply throughout this chapter unless the context clearly requires
25 otherwise.

26 (1) "Adaptive management" means reliance on scientific methods to
27 test the results of actions taken so that the management and related
28 policy can be changed promptly and appropriately.

29 (2) "Appeals board" means the forest practices appeals board
30 created by RCW 76.09.210.

31 (3) "Aquatic resources" includes water quality, salmon, other
32 species of the vertebrate classes Cephalaspidomorphi and Osteichthyes
33 identified in the forests and fish report, the Columbia torrent
34 salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander
35 (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton*
36 *olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's

1 salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and
2 their respective habitats.

3 (4) "Commissioner" means the commissioner of public lands.

4 (5) "Contiguous" means land adjoining or touching by common corner
5 or otherwise. Land having common ownership divided by a road or other
6 right of way shall be considered contiguous.

7 (6) "Conversion to a use other than commercial timber operation"
8 means a bona fide conversion to an active use which is incompatible
9 with timber growing and as may be defined by forest practices rules.

10 (7) "Department" means the department of natural resources.

11 (8) "Forest land" means all land which is capable of supporting a
12 merchantable stand of timber and is not being actively used for a use
13 which is incompatible with timber growing. Forest land does not
14 include agricultural land that is or was enrolled in the conservation
15 reserve enhancement program by contract if such agricultural land was
16 historically used for agricultural purposes and the landowner intends
17 to continue to use the land for agricultural purposes in the future.
18 As it applies to the operation of the road maintenance and abandonment
19 plan element of the forest practices rules on small forest landowners,
20 the term "forest land" excludes:

21 (a) Primary residential home sites, which may include up to two and
22 one-half acres; and

23 (b) All land that is primarily used for agricultural purposes,
24 regardless of size, including but not limited to pastures, orchards,
25 and grazing lands, and the land on which appurtenances necessary to the
26 production, preparation, or sale of agricultural products exist in
27 conjunction with the lands producing the products.

28 (9) "Forest landowner" means any person in actual control of forest
29 land, whether such control is based either on legal or equitable title,
30 or on any other interest entitling the holder to sell or otherwise
31 dispose of any or all of the timber on such land in any manner(~~+~~
32 ~~PROVIDED, That~~). However, any lessee or other person in possession of
33 forest land without legal or equitable title to such land shall be
34 excluded from the definition of "forest landowner" unless such lessee
35 or other person has the right to sell or otherwise dispose of any or
36 all of the timber located on such forest land.

37 (10) "Forest practice" means any activity conducted on or directly

1 pertaining to forest land and relating to growing, harvesting, or
2 processing timber, including but not limited to:

- 3 (a) Road and trail construction;
- 4 (b) Harvesting, final and intermediate;
- 5 (c) Precommercial thinning;
- 6 (d) Reforestation;
- 7 (e) Fertilization;
- 8 (f) Prevention and suppression of diseases and insects;
- 9 (g) Salvage of trees; and
- 10 (h) Brush control.

11 "Forest practice" shall not include preparatory work such as tree
12 marking, surveying and road flagging, and removal or harvesting of
13 incidental vegetation from forest lands such as berries, ferns,
14 greenery, mistletoe, herbs, mushrooms, and other products which cannot
15 normally be expected to result in damage to forest soils, timber, or
16 public resources.

17 (11) "Forest practices rules" means any rules adopted pursuant to
18 RCW 76.09.040.

19 (12) "Forest road," as it applies to the operation of the road
20 maintenance and abandonment plan element of the forest practices rules
21 on small forest landowners, means a road or road segment that crosses
22 land that meets the definition of forest land, but excludes residential
23 driveways.

24 (13) "Forest trees" does not include hardwood trees cultivated by
25 agricultural methods in growing cycles shorter than fifteen years if
26 the trees were planted on land that was not in forest use immediately
27 before the trees were planted and before the land was prepared for
28 planting the trees. "Forest trees" includes Christmas trees, but does
29 not include Christmas trees that are cultivated by agricultural
30 methods, as that term is defined in RCW 84.33.035.

31 ((+13+)) (14) "Forests and fish report" means the forests and fish
32 report to the board dated April 29, 1999.

33 ((+14+)) (15) "Grazing lands" means land that is primarily used for
34 animal foraging on naturally occurring or planted vegetation, but does
35 not include land that is used by free-ranging livestock. For the
36 purposes of this subsection, "free-ranging livestock" means animals
37 that range freely for food, as opposed to being confined in an
38 enclosure.

1 (16) "Application" means the application required pursuant to RCW
2 76.09.050.

3 ~~((15))~~ (17) "Operator" means any person engaging in forest
4 practices except an employee with wages as his or her sole
5 compensation.

6 ~~((16))~~ (18) "Person" means any individual, partnership, private,
7 public, or municipal corporation, county, the department or other state
8 or local governmental entity, or association of individuals of whatever
9 nature.

10 ~~((17))~~ (19) "Public resources" means water, fish and wildlife,
11 and in addition shall mean capital improvements of the state or its
12 political subdivisions.

13 ~~((18))~~ (20) "Small forest landowner" has the same meaning as
14 defined in section 9 of this act.

15 (21) "Timber" means forest trees, standing or down, of a commercial
16 species, including Christmas trees. However, "timber" does not include
17 Christmas trees that are cultivated by agricultural methods, as that
18 term is defined in RCW 84.33.035.

19 ~~((19))~~ (22) "Timber owner" means any person having all or any
20 part of the legal interest in timber. Where such timber is subject to
21 a contract of sale, "timber owner" shall mean the contract purchaser.

22 ~~((20))~~ (23) "Board" means the forest practices board created in
23 RCW 76.09.030.

24 ~~((21))~~ (24) "Unconfined avulsing channel migration zone" means
25 the area within which the active channel of an unconfined avulsing
26 stream is prone to move and where the movement would result in a
27 potential near-term loss of riparian forest adjacent to the stream.
28 Sizeable islands with productive timber may exist within the zone.

29 ~~((22))~~ (25) "Unconfined avulsing stream" means generally fifth
30 order or larger waters that experience abrupt shifts in channel
31 location, creating a complex flood plain characterized by extensive
32 gravel bars, disturbance species of vegetation of variable age,
33 numerous side channels, wall-based channels, oxbow lakes, and wetland
34 complexes. Many of these streams have dikes and levees that may
35 temporarily or permanently restrict channel movement.

36 NEW SECTION. Sec. 3. A new section is added to chapter 76.09 RCW
37 to read as follows:

1 (1) The board must amend the forest practices rules relating to
2 road maintenance and abandonment plans that exist on the effective date
3 of this section to reflect the following differences:

4 (a) A forest landowner who owns a total of eighty acres or less of
5 forest land in Washington is not required to submit a road maintenance
6 and abandonment plan for any block of forest land that is twenty
7 contiguous acres or less in area;

8 (b) A landowner who satisfies the definition of a small forest
9 landowner, but who does not qualify under (a) of this subsection, is
10 only required to submit a checklist road maintenance and abandonment
11 plan with the abbreviated content requirements provided for in
12 subsection (3) of this section, and is not required to comply with
13 annual reporting and review requirements; and

14 (c) Existing forest roads must be maintained only to the extent
15 necessary to prevent damage to public resources.

16 (2) The department must provide a landowner who is either exempted
17 from submitting a road maintenance and abandonment plan under
18 subsection (1)(a) of this section, or who qualifies for a checklist
19 road maintenance and abandonment plan under subsection (1)(b) of this
20 section, with an educational brochure outlining road maintenance
21 standards and requirements. In addition, the department must develop
22 a series of nonmandatory educational workshops on the rules associated
23 with road construction and maintenance.

24 (3)(a) A landowner who qualifies for a checklist road maintenance
25 and abandonment plan under subsection (1)(b) of this section is only
26 required to submit a checklist, designed by the department in
27 consultation with the small forest landowner advisory committee created
28 in RCW 76.13.110, that confirms that the landowner has read the
29 educational brochure provided under subsection (2) of this section and
30 is applying the standards identified in subsection (1)(c) of this
31 section to the management of the landowner's forest roads. When
32 developing the checklist road maintenance and abandonment plan, the
33 department shall ensure that the document is limited to an
34 identification of forest roads that do not provide for the passage of
35 fish and the passage of some woody debris, does not allow for the
36 meeting of water quality standards, does not control sediment delivery,
37 does not protect streambank stability, and does not divert most run-off
38 to the forest floor.

1 (b) A landowner who qualifies for the checklist road maintenance
2 and abandonment plan is not required to submit the checklist before the
3 time that he or she submits a forest practices application for forest
4 lands covered by the checklist. The department may encourage and
5 accept checklists prior to the time that they are due.

6 (4) The department must monitor the extent of checklist road
7 maintenance and abandonment plan submissions and rates of compliance
8 with rules relating to forest roads, and report its findings to the
9 appropriate committees of the legislature by December 31, 2008, and
10 December 31, 2013. The legislative reports must measure the success of
11 the checklist road maintenance and abandonment plan approach and make
12 any suggestions for adjustments that are necessary to accomplish the
13 road maintenance and abandonment goals identified in the forests and
14 fish report. Reports conducted under this section should be linked to
15 the program evaluations conducted under section 6(8) of this act.

16 (5) The board shall adopt emergency rules under RCW 34.05.090 by
17 October 31, 2003, to implement this section. The emergency rules shall
18 remain in effect until permanent rules can be adopted. The forest
19 practices rules that relate to road maintenance and abandonment plans
20 shall remain in effect as they existed on the effective date of this
21 section until emergency rules have been adopted under this section.

22 (6) This section is only intended to relate to the board's duties
23 as they relate to the road maintenance and abandonment plan element of
24 the forests and fish report. Nothing in this section alters any forest
25 landowner's duties and responsibilities under any other section of the
26 forest practices rules, or any other state law or rule.

27 **Sec. 4.** RCW 76.09.055 and 2000 c 11 s 4 are each amended to read
28 as follows:

29 (1) The legislature finds that the declines of fish stocks
30 throughout much of the state require immediate action to be taken to
31 help restore these fish runs where possible. The legislature also
32 recognizes that federal and state agencies, tribes, county
33 representatives, and private timberland owners have spent considerable
34 effort and time to develop the forests and fish report. Given the
35 agreement of the parties, the legislature believes that the immediate
36 adoption of emergency rules is appropriate in this particular instance.
37 These rules can implement many provisions of the forests and fish

1 report to protect the economic well-being of the state, and to minimize
2 the risk to the state and landowners to legal challenges. This
3 authority is not designed to set any precedents for the forest
4 practices board in future rule making or set any precedents for other
5 rule-making bodies of the state.

6 (2) The forest practices board is authorized to adopt emergency
7 rules amending the forest practices rules with respect to the
8 protection of aquatic resources, in accordance with RCW 34.05.350,
9 except: (a)(i) That the rules adopted under this section may remain in
10 effect until permanent rules are adopted, or until June 30, 2001,
11 whichever is sooner; (ii) that the rules adopted under section 3(5) of
12 this act must remain in effect until permanent rules are adopted; (b)
13 notice of the proposed rules must be published in the Washington State
14 Register as provided in RCW 34.05.320; (c) at least one public hearing
15 must be conducted with an opportunity to provide oral and written
16 comments; and (d) a rule-making file must be maintained as required by
17 RCW 34.05.370. In adopting (~~the~~) emergency rules consistent with
18 this section, the board is not required to prepare a small business
19 economic impact statement under chapter 19.85 RCW, prepare a statement
20 indicating whether the rules constitute a significant legislative rule
21 under RCW 34.05.328, prepare a significant legislative rule analysis
22 under RCW 34.05.328, or follow the procedural requirements of the state
23 environmental policy act, chapter 43.21C RCW. Except as provided in
24 section 3 of this act, the forest practices board may only adopt
25 recommendations contained in the forests and fish report as emergency
26 rules under this section.

27 **Sec. 5.** RCW 76.09.390 and 1999 sp.s. c 4 s 707 are each amended to
28 read as follows:

29 (1) Except as provided in subsection (2) of this section, prior to
30 the sale or transfer of land or perpetual timber rights subject to
31 continuing forest land obligations under the forest practices rules
32 adopted under RCW 76.09.370, as specifically identified in the forests
33 and fish report the seller shall notify the buyer of the existence and
34 nature of such a continuing obligation and the buyer shall sign a
35 notice of continuing forest land obligation indicating the buyer's
36 knowledge thereof. The notice shall be on a form prepared by the
37 department and shall be sent to the department by the seller at the

1 time of sale or transfer of the land or perpetual timber rights and
2 retained by the department. If the seller fails to notify the buyer
3 about the continuing forest land obligation, the seller shall pay the
4 buyer's costs related to such continuing forest land obligation,
5 including all legal costs and reasonable attorneys' fees, incurred by
6 the buyer in enforcing the continuing forest land obligation against
7 the seller. Failure by the seller to send the required notice to the
8 department at the time of sale shall be prima facie evidence, in an
9 action by the buyer against the seller for costs related to the
10 continuing forest land obligation, that the seller did not notify the
11 buyer of the continuing forest land obligation prior to sale.

12 (2) Subsection (1) of this section does not apply to checklist road
13 maintenance and abandonment plans.

14 NEW SECTION. Sec. 6. A new section is added to chapter 76.13 RCW
15 to read as follows:

16 (1) The legislature finds that many small forest landowners are not
17 in the financial position to adequately fund all of the fish barrier
18 removal projects that are both critical to achieving the goals set
19 forth in chapter 76.09 RCW, and required by the forest practices rules.
20 The legislature further finds that a state-led cost-sharing program is
21 necessary to assist small forest landowners with removing and replacing
22 culverts and other man-made fish barriers that were added to their land
23 prior to the effective date of this section, to help achieve the goals
24 of the forests and fish report, and to assist small forest landowners
25 in complying with the state's fish passage requirements.

26 (2) The small forest landowner office must, in cooperation with the
27 department of fish and wildlife, establish a program designed to assist
28 small forest landowners with repairing or removing fish barriers and
29 assist lead entities in acquiring the data necessary to fill any gaps
30 in fish barrier information. The small forest landowner office and the
31 department of fish and wildlife must work closely with lead entities or
32 other local watershed groups to make maximum use of current information
33 regarding the location and priority of current fish barriers. Where
34 additional barrier inventories are necessary, funding will be sought
35 for the collection of this information. Methods, protocols, and
36 formulas for data gathering and prioritizing must be developed in

1 consultation with the department of fish and wildlife. The department
2 of fish and wildlife must assist in the training and management of
3 barrier location data collection.

4 (3) The small forest landowner office must actively seek out
5 funding for the program authorized in this section. The small forest
6 landowner office must work with consenting landowners to identify and
7 secure funding from local, state, federal, tribal, or nonprofit habitat
8 restoration organizations and other private sources, including the
9 salmon recovery funding board, the United States department of
10 agriculture, the United States department of transportation, the
11 Washington state department of transportation, the United States
12 department of commerce, and the federal highway administration.

13 (4)(a) Except as otherwise provided in this subsection, the small
14 forest landowner office, in implementing the program established in
15 this section, must provide the highest proportion of public funding
16 available for the removal of any fish barrier or culvert replacement.

17 (b) In no case may a small forest landowner be required to pay more
18 than the lesser of either: (i) Twenty-five percent of any costs
19 associated with the removal of a particular fish barrier or the
20 replacement of a particular culvert; or (ii) five thousand dollars for
21 the removal of a particular fish barrier or the replacement of a
22 particular culvert.

23 (c) A small forest landowner shall not be required to remove or
24 replace a culvert before the end of its functional life if the culvert
25 is functioning with little risk to public resources, or if it was
26 installed under an approved forest practices application or
27 notification, as long as the culvert has been properly maintained and
28 is capable of passing fish, unless one hundred percent of the removal
29 and replacement cost is provided by the cost-share program established
30 in this section.

31 (5) If a small forest landowner is required to contribute a portion
32 of the funding under the cost-share program established in this
33 section, that landowner may satisfy his or her required proportion by
34 providing either direct monetary contributions or in-kind services to
35 the project. In-kind services may include labor, equipment, materials,
36 and other landowner-provided services determined by the department to
37 have an appropriate value to the removal of a particular fish barrier
38 or the replacement of a particular culvert.

1 (6)(a) The department, using culvert assessments and ranked
2 inventory information provided by the department of fish and wildlife
3 and the appropriate lead entity as delineated in section 8 of this act,
4 must establish a prioritized list for the funding of fish barrier
5 removals on property owned by small forest landowners that ensures that
6 funding is provided first to the known fish barriers existing on forest
7 land owned by small forest landowners that cause the greatest harm to
8 public resources.

9 (b) As the department collects information about the presence of
10 fish barriers from submitted road maintenance and abandonment plans, it
11 must share this information with the department of fish and wildlife
12 and the technical advisory groups established in RCW 77.85.070. If the
13 addition of the information collected in the road maintenance and
14 abandonment plans, or any other changes to the scientific instruments
15 described in section 8 of this act, alters the analysis conducted under
16 section 8 of this act, the department must alter the funding order
17 appropriately to reflect the new information.

18 (7) The department may accept commitments from small forest
19 landowners that they will participate in the program to remove fish
20 barriers from their land at any time, regardless of the funding order
21 given to the barriers on a particular landowner's property.

22 (8) The program established in this section must be evaluated by
23 the department and the department of fish and wildlife by December 31,
24 2008, and December 31, 2013. The evaluations must measure the success
25 of the program, identify any adjustments to the program that may be
26 necessary, and provide any information that is available concerning the
27 location and road conditions of the small forest landowners who are
28 exempt from filing a road maintenance and abandonment plan under
29 section 3 of this act. Evaluations conducted under this section should
30 be linked to compliance monitoring under section 3(4) of this act. The
31 results of the evaluations must be submitted to the appropriate
32 committees of the legislature.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 76.09 RCW
34 to read as follows:

35 The department shall not disapprove a forest practices application
36 filed by a small forest landowner on the basis that fish barriers have
37 not been removed or replaced if the small forest landowner filing the

1 application has committed to participate in the program established in
2 section 6 of this act for all fish barriers existing on the block of
3 forest land covered by the forest practices application, and the fish
4 barriers existing on the block of forest land covered by the forest
5 practices application are lower on the funding order list established
6 for the program than the current projects that are capable of being
7 funded by the program.

8 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.12 RCW
9 to read as follows:

10 In coordination with the department of natural resources and lead
11 entity groups, the department must establish a ranked inventory of fish
12 barriers on land owned by small forest landowners based on the
13 principle that culverts blocking the most fish habitat or causing
14 actual damages to public resources would be replaced first. The
15 department shall first gather and synthesize all available existing
16 information about the locations and impacts of fish barriers in
17 Washington. This information must include, but not be limited to, the
18 most recently available limiting factors analysis conducted pursuant to
19 RCW 77.85.060(2), the stock status information contained in the
20 department of fish and wildlife salmonid stock inventory (SASSI), the
21 salmon and steelhead habitat inventory and assessment project (SSHIAP),
22 and any comparable science-based assessment when available. Where
23 accurate culvert inventory or assessment or fish distribution
24 information is absent, the department may collect, or contract with
25 other organizations to collect, consistent with state law, the
26 appropriate data. The inventory of fish barriers must be kept current
27 and at a minimum be updated by the beginning of each calendar year.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 76.09 RCW
29 to read as follows:

30 For the purposes of this chapter and sections 6 and 8 of this act,
31 "small forest landowner" means an owner of forest land who, at the time
32 of submission of required documentation to the department, has
33 harvested from his or her own lands in this state no more than an
34 average timber volume of two million board feet per year during the
35 three years prior to submitting documentation to the department and who
36 certifies that he or she does not expect to harvest from his or her own

1 lands in the state more than an average timber volume of two million
2 board feet per year during the ten years following the submission of
3 documentation to the department. However, any landowner who exceeded
4 the two million board feet annual average timber harvest threshold from
5 their land in the three years prior to submitting documentation to the
6 department, or who expects to exceed the threshold during any of the
7 following ten years, shall still be deemed a "small forest landowner"
8 if he or she establishes to the department's reasonable satisfaction
9 that the harvest limits were, or will be, exceeded in order to raise
10 funds to pay estate taxes or for an equally compelling and unexpected
11 obligation, such as for a court-ordered judgment or for extraordinary
12 medical expenses.

13 NEW SECTION. **Sec. 10.** The legislature does not intend to
14 appropriate additional funds for the implementation of this act and
15 expects all affected state agencies to implement this act's provisions
16 within existing appropriations.

17 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

--- END ---