
**Agriculture & Natural Resources
Committee**

HB 2219

Brief Description: Regarding forest practices regulations that apply to small forest landowners.

Sponsors: Representatives Orcutt, B. Sullivan, Kessler and Kretz.

Brief Summary of Bill

- Requires the Small Forest Landowner Office to determine the compensation to be offered to a landowner for an easement within 60 days of the landowner's application for the Forest Riparian Easement Program.
- Specifies that the unharvested trees eligible for coverage in the forest riparian easement program includes trees that were not harvested due to their location in unstable slopes.
- Requires a landowner participating in the forest riparian easement to be compensated for the cost of hiring a geotechnologist to complete required studies or reports.
- Specifies that the 20-acre exception for riparian buffer areas applies to a landowner that owns 20 contiguous *forested* acres, and a total ownership of no more than 80 *forested* acres.

Hearing Date: 2/22/07

Staff: Jason Callahan (786-7117).

Background:

The Forest Riparian Easement Program

The Forest Riparian Easement (FRE) Program is a program managed by the Department of Natural Resources' (DNR) Small Forest Landowner Office to acquire 50-year easements along riparian and other sensitive aquatic areas from small forest landowners that are willing to sell or donate easements to the state [RCW 76.13.120(1)]. The DNR is authorized to purchase

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easements from small forest landowners and hold the easements in the name of the state [RCW 76.13.120(3)]. The easements are restrictive only, and allow all landowner activities except as necessary to protect the riparian functions of the habitat for the term of the easement [RCW 76.13.120(5)].

Easements entered into through the FRE Program are intended to represent 50 percent of the value of the unharvested trees, plus participation compliance costs [RCW 76.13.140]. Once an FRE contract is executed, the DNR is required to reimburse the landowner for the actual costs involved with the establishment of streamside buffers and timber marking [RCW 76.13.140].

The value of the easement is determined by the DNR based on the fair market value of the timber volume covered by the easement [RCW 76.13.120]. This calculation is made by the DNR after it conducts a timber cruise of 100 percent of the proposed easement [WAC 222-21-040]. The data gathered in the timber cruise is then applied to a stumpage value table to calculate the fair market value [WAC 222-21-045]. Value is calculated only on qualifying timber. This is timber that is located within a commercially reasonable harvest unit that cannot be harvested because of state limitations [RCW 76.13.120].

Exceptions to Riparian Buffers

Although the state's Forest Practice Rules generally have specific restrictions on the amount of harvest allowed near streams and creeks, there is an exemption available from these restrictions for certain landowners. Parcels that are 20 contiguous acres or less are exempt from the modern riparian buffers rule, as long as the owner of the parcel does not own a cumulative total of more than 80 acres. Instead, these landowners can either follow the Forest Practice Rules in place prior to 1999, or work with the DNR to establish an alternative management plan for the riparian portion of the harvest area [RCW 76.13.130].

Summary of Bill:

The Forest Riparian Easement Program

The unharvested trees eligible for coverage in the FRE Program is specified to include trees that were not harvested due to their location in unstable slopes, and not only trees left unharvested due to their location in a riparian buffer area.

The Small Forest Landowner Office is required to determine the compensation for all qualifying timber to be offered to a landowner for an easement within 60 days of the landowner's application for the FRE Program. However, the determination is to serve only as an appraisal, and no duty to present an actual offer is created until an appropriation exists to fund the offer.

The compensation that the DNR must reimburse FRE Program applicants is expressly made to include the cost of hiring a geotechnologist to complete required studies or reports.

Exceptions to Riparian Buffers

The 20-acre exception for riparian buffer areas is clarified so that the landowner must own 20 contiguous *forested* acres, and a total ownership of no more than 80 *forested* acres.

Appropriation: None.

Fiscal Note: Requested on February 13, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.