

HOUSE BILL REPORT

HB 1484

As Reported by House Committee On:
Agriculture & Natural Resources
Capital Budget

Title: An act relating to habitat open space.

Brief Description: Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered.

Sponsors: Representatives Van De Wege, Orcutt, Hurst, McCoy and Blake.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/3/09, 2/10/09 [DPS];
Capital Budget: 2/24/09, 2/27/09 [DP2S(w/o sub AGNR)].

Brief Summary of Second Substitute Bill

- Expands the riparian open space program to include the acquisition of forest lands containing critical habitat for threatened or endangered species.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz, Liias, McCoy, Nelson, Ormsby, Pearson, Van De Wege and Warnick.

Staff: Jaclyn Ford (786-7339)

Background:

The Washington Forest Practices Board (Board) was established in 1975 by the Legislature under the state Forest Practices Act, and is charged with establishing rules to protect the state's natural resources while maintaining a viable timber industry.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Board established by rule a Riparian Open Space Program that allows for the acquisition of lands within unconfined avulsing channel migration zones. An "unconfined avulsing stream" experiences abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. An "unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. The unconfined avulsing channel migration zone does not include areas permanently restricted from channel movement by a dike or levee.

Qualifying landowners can apply to donate or sell their land and/or timber in designated forest land that exists along migrating stream channels. They can also sell the state permanent conservation easements covering the timber and/or forest land. Once acquired, these lands may be held and managed by the Department of Natural Resources, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy organization. The rules must provide for the management of the lands for ecological protection or fisheries enhancement.

Summary of Substitute Bill:

The Board must establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the Board. At the landowner's option, acquisition may be of a fee interest or a conservation easement. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the Board.

Substitute Bill Compared to Original Bill:

The substitute bill:

- replaces "unconfined avulsing channel migration zone" with "unconfined channel migration zone;"
- replaces "habitat of federally listed species on private forest lands" with "critical habitat for threatened or endangered species as designated by the Board;" and
- makes grammatical corrections.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is a result of a group of diverse interests collaborating on specific science-based recommendations for spotted owls on private lands. This is landmark legislation that will have a great deal of impact. Landowners will benefit from having an endangered species on their land. This bill can be seen as an opportunity to protect species and give landowners an incentive to help with their recovery. This program reduces conflict between natural resource protection and landowners. This concept will support the industry in hard economic times.

(Opposed) None.

Persons Testifying: Representative Van De Wege, prime sponsor; Shawn Cantrell, Seattle Audubon Society; Mark Doumit and Robert Meier, Washington Forest Protection Association; Nina Carter, Audubon Washington; Bridget Moran, Washington Department of Fish and Wildlife; and Peter Goldmark, Commissioner of Public Lands.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON CAPITAL BUDGET

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by 15 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson, Blake, Chase, Grant-Herriot, Hope, Jacks, Maxwell, McCune, Orwall, Smith and White.

Staff: Annie Pennucci (786-7142)

Summary of Recommendation of Committee On Capital Budget Compared to Recommendation of Committee On Agriculture & Natural Resources:

The second substitute bill:

- directs that riparian open space program land acquisitions may only be conservation easements (and may not include fee interests); and
- applies existing tax exemptions for conservation easements acquired under the riparian open space program to forest lands containing critical habitat for threatened or endangered species.

Appropriation: None.

Fiscal Note: Requested on March 2, 2009.

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

Staff Summary of Public Testimony:

(In support) This bill improves incentives for landowners to protect endangered species such as the spotted owl. The program resolves conflicts between private landowners and conservation needs. The bill presents an opportunity to use an existing program with little fiscal impact.

(Opposed) None.

Persons Testifying: Nina Carter, Washington Audubon; Dave Whipple, Washington Department of Fish and Wildlife; Debora Munguia, Washington Forest Protection Association; and Robert Meier, Rayonier.

Persons Signed In To Testify But Not Testifying: None.