
**Agriculture & Natural Resources
Committee**

HB 2505

Brief Description: Concerning the regulation of nonindustrial forests.

Sponsors: Representatives Blake, Williams and Kretz.

Brief Summary of Bill

- Changes the nature of both the alternative plans process and riparian buffer harvest exemption in the Forest Practices Rules to be based on the amount of timber harvested and not the size of the harvested parcel or total ownership.

Hearing Date: 1/14/10

Staff: Jason Callahan (786-7117).

Background:

History of the Forests and Fish Law

The Forest and Fish Report was presented to the Forest Practices Board and the Governor's Salmon Recovery Office on February 22, 1999. The report contained the recommendations for the development and implementation of rules, statutes, and programs designed to improve and protect riparian habitat on non-federal forest lands in Washington. The report was authored by various stakeholders, including the federal government, state government, tribal governments, and various interest and constituency groups. The rules proposed in the report were designed to provide compliance with the federal Endangered Species Act, restore and maintain minimum riparian habitat to support a harvestable supply of fish, meet Clean Water Act standards, and keep the timber industry economically viable.

The Legislature recognized the Forest and Fish Report in 1999 by passing the Forests and Fish Law [Chapter 004, Laws of 1999, 1st Sp. Sess.]. The law directed the Forest Practices Board

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.

(Board) to adopt emergency rules implementing the recommendations of the Forest and Fish Report. In the years since, the resulting forest practices rules have been adopted and assurances from the federal government have been obtained. The assurances provide some certainty that forestry operations conducted in compliance with the rules will be protected from liability under the Endangered Species Act.

Alternate Plans

As part of the Forest and Fish Law, the Legislature directed the Board to condition the adopted rules in such a manner that allows forest practices applicants to propose harvest plans as an alternative to the default rules. These alternative plans are to be developed in response to site-specific physical features and must provide protection to public resources that is equal to the standard harvest rules adopted by the Board. The Board is directed to consult with the Department of Natural Resources' Small Forest Landowner's Office in developing alternate harvest restrictions for small forest landowners. The alternative plan process is only available to landowners that own less than 80 acres and for harvesters affecting less than 20 acres. [RCW 76.13.130].

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 Department of Natural Resources to establish an alternative management plan for the riparian portion of the harvest area [RCW 76.13.130].

Summary of Bill:

Exceptions to Riparian Buffers

The exemption that allows the owners of small forest parcels to operate in accordance to the Forest Practices Rules in existence before the adoption of the Forests and Fish Law is changed. To be eligible for this exemption, a landowner no longer is limited to owning less than 80 acres. Instead of a limitation based on total ownership, the exemption is limited to landowners with small harvest totals. Specifically, to be eligible for the exemption to the modern riparian buffer rules, a landowner must not have harvested more than two million board feet of timber for commercial or industrial purposes in any three-year period.

A landowner who satisfies this test will be eligible to conduct harvest operations in accordance with the Forest Practices Rules in existence before the adoption of the Forests and Fish Law. However, in addition to the pre-Forests and Fish rules, the landowner would also be required to abide by any rules adopted by the Board regarding even-aged harvests.

Alternate Plans

The total ownership threshold that limits the availability of alternative plans is removed. A forest landowner will be eligible to participate in the alternative plan process even if the landowner owns more than 80 acres and plans to harvest on parcels greater than 20 acres. However, to qualify, a landowner must have only harvested less than two million board feet of timber on average for the previous three years and certify that harvest limits will be limited in the coming 10 years.

Appropriation: None.

Fiscal Note: Requested on 1/13/10.

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