

SENATE BILL REPORT

SB 5690

As of February 11, 2009

Title: An act relating to alternate harvest restrictions for forest practices.

Brief Description: Assisting small forest landowners to keep their land in active working forestry.

Sponsors: Senators Swecker and Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/11/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Sherry McNamara (786-7402)

Background: The Forest Practice Rules (Rules) establish minimum standards for forest practices such as timber harvest, pre-commercial thinning, road construction, fertilization, and reforestation. The Forest Practice Rules have allowed landowners to develop alternate plans since the early 1980's.

Alternate plans are intended to provide landowners with a means to develop site-specific management plans for all timber activities regulated under the state Rules. An alternate plan may alter the prescriptions outlined in the Rules as long as the plan provides protection to public resources at least equal in overall effectiveness to the protections provided in the Rules.

The Small Forest Landowner Office (SFLO) was established within the Department of Natural Resources (DNR) by the Legislature in 1999 as part of the Forests and Fish legislation. The office is required to work with small forest landowners on the development of alternate management plans or alternate harvest restrictions for riparian buffers, and is required to develop alternate plan criteria for adoption by the Forest Practices Board.

The Forests and Fish legislation established an advisory committee to assist the SFLO in developing policy and recommending rules to the board. This advisory committee is composed of representatives of state agencies, tribes, and small forest landowners.

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.

Summary of Bill: "Alternate harvest restrictions" is defined to mean geographically appropriate restrictions on forest practices that differ from the default forest practices rules. Examples of acceptable alternate harvest restrictions are listed as:

- federally approved habitat conservation plans;
- state-approved alternative plans; and
- the family forest habitat conservation plan submitted by Lewis County on January 12, 2009, to the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: In 1997 family forest landowners of Lewis County were approached by the U.S. Fish and Wildlife Services (USFWS) to see if they were interested in developing a Habitat Conservation Plan (HCP). In 2004, after working with the USFWS for over six years and spending thousands of dollars, my family attained the only multi-species family forest federally-approved HCP in the nation. This alternate plan allows me to manage the riparian zones on my tree farm different than the Forest and Fish Law. This bill reaffirms the Legislature's commitment in assisting small forest landowners to keep their land in active working forestry, and to recognize that the alternate harvest restrictions developed by Lewis County in the Family Forest Habitat Conservation Plan, other federally approved habitat conservation plans, and other state-approved alternative plans will be available to family forest owners.

CON: The Forest Practices HCP provides protection statewide and any alternate plan proposed by a landowner must be site-specific under this HCP. The USFWS have reviewed and approved the current Forest Practices HCP for existing rules including alternate harvest restrictions. The alternate harvest restriction described in the Lewis County HCP has been submitted to the federal services for review, but has not yet received approval. The impact of this bill is dependent on the number of small forest landowners that would take advantage of alternate harvest restrictions prior to the federal government approving or disapproving the plan. It is possible that this bill would cause the federal services to suspend the Incidental Take Permits issued to the state by the National Oceanic and Atmospheric Agency (NOAA) and the USFWS because the plan is below the current standards. There is no need for this bill if the plans met the standards of the statewide HCP.

Persons Testifying: PRO: Tom Fox, Tree Management Plus; Steve Stinson, Ken Miller, citizens; Bob Johnson, Lewis County.

CON: Craig Partridge, DNR; Stephen Bernath, Department of Ecology; David Whipple, Washington Department of Fish and Wildlife.