

FINAL BILL REPORT

ESHB 1531

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Synopsis as Enacted

Brief Description: Concerning the forest riparian easement program.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Chapman, DeBolt, Blake, Koster, Orcutt, Tharinger, Kraft, Pettigrew, Smith, Dolan and Fitzgibbon).

House Committee on Agriculture & Natural Resources
Senate Committee on Natural Resources & Parks

Background:

The Forest Riparian Easement Program (FREP) is managed by the Small Forest Landowner Office (SFLO) in the Department of Natural Resources (DNR) and acquires 50-year easements along riparian and other sensitive aquatic areas from small forest landowners who are willing to sell or donate easements to the state. The DNR may purchase easements from small forest landowners and hold the easements in the name of the state. Small forest landowners are generally landowners who harvest less than an average of two million board feet per year. The easements are restrictive only and allow landowners to engage in activities except as necessary to protect the riparian functions of the habitat for the term of the easement.

The easements represent 50 percent of the value of the unharvested trees, plus participation compliance costs. Once a contract under the FREP is executed, the DNR is required to reimburse the landowner for the actual costs to establish streamside buffers and timber marking.

The value of the easement is determined by the DNR based on the fair market value of the timber volume covered by the easement. This calculation is made by the DNR after it conducts a timber cruise of the entire proposed easement. The data gathered in the timber cruise are then applied to a stumpage value table to calculate the fair market value. Value is calculated only on qualifying timber.

Qualifying timber must meet all of the following criteria:

- the trees are ones that the owner is required to leave unharvested under fish protection rules or that are made uneconomic to harvest by the forest practices rules;

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- the trees are located within or bordering a commercially reasonable harvest unit, or for which an approved forest practices application cannot be obtained because of forest practices rules restrictions; and
- the trees are in certain sensitive areas, including sensitive aquatic areas, channel migration zones, and areas of potentially unstable slopes or landforms.

Summary:

The definition of "qualifying timber" is modified to include trees that the owner is required to leave unharvested under the forest practices rules, in addition to the fish protection rules.

The DNR must, in the event that the state adopts a climate strategy, share information regarding the carbon sequestration benefits of the forest riparian easement program, using methods and protocols established in the state climate strategy that attempt to quantify carbon storage or account for carbon emissions.

The DNR must promote the expansion of funding for the forest riparian easement program and the ecosystem services supported by the program.

The state is prohibited from reimbursing a landowner more than once for the same riparian easement application.

Votes on Final Passage:

House	98	0
Senate	49	0

Effective: July 23, 2017