

SENATE BILL REPORT

SB 5394

As Reported by Senate Committee On:
Natural Resources & Parks, February 7, 2017

Title: An act relating to the forestry riparian easement program.

Brief Description: Concerning the forest riparian easement program.

Sponsors: Senators Rivers, Takko, Hasegawa, Braun, Chase, Warnick, Honeyford, Rolfes and Zeiger.

Brief History:

Committee Activity: Natural Resources & Parks: 1/31/17, 2/07/17 [DPS].

Brief Summary of First Substitute Bill

- Requires the Department of Natural Resources (DNR) to share information regarding the carbon sequestration benefits of the Forestry Riparian Easement Program (FREP) with other state programs.
- Requires DNR to promote the expansion of funding for FREP.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5394 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Staff: Kelsey Morfitt (786-7407)

Background: FREP is a voluntary program that reimburses landowners for the value of the trees they are required to leave to protect fish habitat. The program provides compensation for a minimum of 50 percent of the timber value, and the program applies to trees adjacent to streams, wetlands, or unstable slopes. Forestry riparian easements are generally effective for 50 years.

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.

DNR is authorized to accept and hold forestry riparian easements granted by qualifying small forest landowners covering qualifying timber. DNR is also directed to pay compensation to such landowners. DNR may only transfer these easements to another state agency.

Legislative findings state that FREP was established because the state should acquire easements primarily along riparian and other sensitive aquatic areas from qualifying small forest landowners willing to sell or donate such easements.

Summary of Bill (First Substitute): DNR must share information regarding the carbon sequestration benefits of FREP with other state programs attempting to quantify carbon storage or account for carbon emissions. DNR must also promote the expansion of funding for FREP as one part of the state's overall climate strategy.

The statutory legislative intent is expanded to include that working forests and FREP are an important part of the state's overall carbon reduction strategy.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (First Substitute):

- Restores the word cut as it is in current law to prohibit landowners from cutting trees on easement land.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: FREP was created to even out the disproportionate effect on small landowners when they are required to keep trees on their property for public benefits versus harvesting the timber for profit. Trees left on small landowners' property as part of the easement program make up some small landowners' retirement plans. FREP is underfunded and there is a backlog of payments to landowners.

OTHER: Carbon sequestration benefits should be in addition to current carbon benefits from FREP. Other forestry programs should also consider how to increase carbon sequestration.

Persons Testifying: PRO: Senator Ann Rivers, Prime Sponsor; Jason Callahan, Washington Forest Protection Association; Heather Hansen, Washington Farm Forestry Association (WFFA); Don Lentz, WFFA; Elaine Oneil, WFFA; Stephen Bernath, DNR; Kelly Niemi, citizen.

OTHER: Darcy Nonemacher, Washington Environmental Council.

Persons Signed In To Testify But Not Testifying: No one.