
**Rural Development, Agriculture, &
Natural Resources Committee**

HB 1273

Brief Description: Analyzing state regulatory impact on small forest landowners.

Sponsors: Representatives Kretz, Blake, Orcutt, Chapman, Rude, Maycumber, Fitzgibbon, Hoff, MacEwen, Smith, Van Werven and Tharinger.

Brief Summary of Bill

- Creates a legislative work group to study and report on impacts to small forest landowners.

Hearing Date: 1/23/19

Staff: Rebecca Lewis (786-7339).

Background:

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 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, 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 responded to the Forest and Fish Report in 1999 by passing the Forests and Fish Law. The law directed the Forest Practices Board (Board) to adopt emergency rules

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implementing the recommendations of the Forest and Fish Report. Among other things, the Forests and Fish Law created the Small Forest Landowner's Office in the Department of Natural Resources, the Forestry Riparian Easement Program (FREP), and directed the development of alternate management plans or harvest restrictions.

Small Forest Landowner Office.

The Small Forest Landowner Office (Office) was established in 1999 to provide assistance to small forest landowners (SFLOs) in Washington. An SFLO, generally, is an owner of forestland who harvest no more than an average of 2 million board feet of timber from his or her land per year. The Office offers technical assistance to SFLOs, and manages several assistance programs for landowners. One such program is the FREP.

Forest Riparian Easement Program.

The FREP is a voluntary program that provides reimbursement to certain SFLOs for trees which they are required to leave unharvested under forest practice rules and in order to protect fish habitat. The program provides compensation for a minimum of 50 percent of the timber value, and applies to trees adjacent to streams, wetlands, seeps, or unstable slopes. An SFLO may qualify for the FREP if they own a parcel larger than 20 contiguous acres or more than 80 forested acres in Washington, the timber harvest would occur next to a stream, river, wetland, or pond, and the harvest does not convert the qualifying land to a use that is incompatible with growing timber.

Alternate Plans.

The Board must condition the adopted forest practice 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 DNR's Small Forest Landowner's Office in developing alternate harvest restrictions for SFLOs.

Summary of Bill:

A legislative work group is created for the stated purpose of analyzing the state regulatory impact on small forest landowners (SFLOs). The work group is comprised of four members, one each from the two largest caucuses of the House of Representatives and Senate. The work group may contract with outside entities such as the University of Washington or the Washington State Institute for Public Policy.

The work group must address a series of questions in the course of its work including:

- changes in the number of SFLOs and acreage held by SFLOs;
- changes to the use of land no longer owned by SFLOs from forest use to non-forest or other use;
- how the Small Forest Landowner Office and Forest Riparian Easement Program have been implemented; and

- whether alternate management plans or harvest restrictions have been developed for smaller harvest units.

The work group must report its findings to the appropriate committees of the Legislature by November 1, 2019. In the report, the work group must include recommendations to improve retention of working forestland held by SFLOs.

Appropriation: None.

Fiscal Note: Available.

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