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

ESSB 5330

Brief Description: Analyzing state regulatory impact on small forestland owners.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Braun, Van De Wege, Takko, Short, Becker, Rivers, Wagoner and Warnick).

Brief Summary of Engrossed Substitute Bill

- Requires the School of Environmental and Forest Sciences at the University of Washington to complete a trends analysis, and to report on certain impacts to small forest landowners.

Hearing Date: 3/15/19

Staff: Rebecca Lewis (786-7339).

Background:

The Forests and Fish Law.

The Forest and Fish Report (Report) was presented to the Forest Practices Board (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 nonfederal forestlands 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.

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.

The Legislature responded to the Report in 1999 by passing the Forests and Fish Law. The law directed the Board to adopt emergency rules implementing the recommendations of the Report. Among other things, the Forests and Fish Law created the Small Forest Landowner Office (Office) in the Department of Natural Resources and the Forestry Riparian Easement Program (FREP), and directed the development of alternate management plans or harvest restrictions.

Small Forest Landowner Office.

The Office was established in 1999 to provide assistance to small forest landowners (SFLOs) in Washington. An SFLO, generally, is an owner of forestland who harvests 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, including the FREP and the Family Forest Fish Passage Program (FFFPP).

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 practices rules and in order to protect fish habitat. The FREP 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.

Family Forest Fish Passage Program.

The FFFPP is a cost-share program created in 2003 and administered by the Office that provides SFLOs with financial assistance to remove fish barriers from their property. Enrolled landowners are not required to replace a barrier until the state determines a barrier is a funding priority.

Alternate Plans.

The Board must condition the adopted forest practices 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 Office in developing alternate harvest restrictions for SFLOs. The alternative plan process is only available to landowners that own less than 80 acres, and for harvesters affecting less than 20 acres.

Summary of Bill:

The School of Environmental and Forest Sciences at the University of Washington (UW School of Environmental and Forest Sciences) must complete a trends analysis and report for the stated purpose of analyzing the state regulatory impact on small forest landowners (SFLOs). The trends analysis and report must address a series of questions in the course of its work, including:

- changes in the number of SFLOs and acreage held by SFLOs, and factors that have led to SFLOs selling their land;
- changes to the use of land no longer owned by SFLOs from forest use to nonforest or other use;
- how the Small Forest Landowner Office and Forestry Riparian Easement Program have been implemented; and
- whether alternate management plans or harvest restrictions have been developed for smaller harvest units, and whether the Family Forest Fish Passage Program has addressed economic impacts to landowners adequately.

The UW School of Environmental and Forest Sciences must report its findings to the appropriate committees of the Legislature and the Forest Practices Board by November 1, 2020. 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.