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

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**SSB 5411**

**Brief Description:** Establishing a programmatic safe harbor agreement on forestlands for northern spotted owls.

**Sponsors:** Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator Stanford; by request of Department of Natural Resources).

**Brief Summary of Substitute Bill**

- Authorizes the Department of Natural Resources to enter into and administer a programmatic safe harbor agreement for the northern spotted owl for any forestland owner.
- Authorizes the Forest Practices Board to adopt or amend rules as necessary to implement the programmatic safe harbor agreement.

**Hearing Date:** 2/22/22

**Staff:** Robert Hatfield (786-7117).

**Background:**

The northern spotted owl was listed as an endangered species in Washington by the Washington Fish and Wildlife Commission in 1988 and was listed as a threatened species under the federal Endangered Species Act (ESA) in 1990.

Under a safe harbor agreement, participating landowners voluntarily undertake management activities on their properties to enhance, restore, or maintain habitat benefiting species listed under the ESA. A safe harbor agreement encourages private and other non-federal property

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owners to implement conservation efforts for listed species by assuring property owners they will not be subject to increased land use restriction as a result of efforts to attract or increase the numbers or distribution of a listed species on their property.

**Summary of Bill:**

The Department of Natural Resources (DNR) may administer a programmatic safe harbor agreement for the northern spotted owl for any forestland owner. Participation in this agreement by forestland owners is strictly voluntary. The DNR must consult with the Washington Department of Fish and Wildlife (WDFW) for technical assistance regarding habitat assessments of candidate parcels and implementation of the safe harbor agreement. The DNR and the WDFW must enter into and maintain an interagency agreement to ensure implementation of the state's obligations under the safe harbor agreement and to ensure WDFW is available to support the safe harbor agreement.

When administering the programmatic safe harbor agreement for the northern spotted owl, the DNR is granted authority to administer the federal permit, monitor compliance with the terms of certificates of inclusion, suspend or terminate landowner participation from the program, and provide all other landowner technical assistance as needed to facilitate program implementation. The DNR must be able to access candidate parcels to ensure program eligibility or compliance under the safe harbor agreement.

The Forest Practices Board may adopt or amend rules to implement the safe harbor agreement. Decisions by the DNR to issue certificates of inclusion or to suspend or terminate a landowner's participation in the program may be reviewed in the same manner as forest practices applications.

The provisions of the bill are subject to the appropriation of funds.

**Appropriation:** None.

**Fiscal Note:** Available.

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