

## Washington State's Forest Regulations: Family Forest-owners' understanding and opinions.

Recent harvest restrictions on federal forestlands in the PNW, intended to protect endangered species, have resulted in lower wood harvests on public lands. Since 1987 in Washington, federal timber harvests have declined 95% and state harvests are down 57% (WA-DNR 1999). Non-industrial private forests (NIPF) have been picking up the slack (Baumgartner et al. 2003), supplying 29.3% of the timber harvest in the state on a volume basis (Larsen 2000). In addition to providing raw material for the state's wood products sectors (Blatner et al. 1991; Thorud 2000), NIPFs in WA State provide a variety of public resources that many people enjoy, such as wildlife, timber, non-timber products, recreational opportunities, and clean water (Fox 2000). This paper explores the current knowledge of WA family-forest owners regarding the following state environmental regulations: the Forest Practices Rules, the Forests and Fish Law, and the Road Management and Abandonment Plan; and how those regulations are expected to impact the economic viability and long-term objectives of forest owners in Washington State.



Washington has one of the most comprehensive sets of **Forest Practice Rules (FPR)** in the United States (**WAC 222**). The state's **1974 Forest Practice Act (RCW 76.09)** was intended to improve environmental conditions by regulating forest practices such as road building, harvesting methods, and the use of chemicals. Over 13 amendments have been made to the Washington Forest Practice Rules; the most recent significant modifications occurred in **May 1999** with the passage of the **Forest and Fish legislation (ESHB 2091)**. In **August 1999, ESHB 2091** was incorporated into the **Forest Practice Act** with the development of the **Forest Practices Emergency Rules (RCW-75.09.055)**. These rules target critical fish habitat along 60,000 miles of streams on 10 million acres of non-federal forestlands in Washington, and stipulate wider riparian buffers and restricted timber harvest in outer zones of the riparian area. Regardless of the many policy amendments made during the last 5 years, environmental regulations continue to impact private forests in Washington. In 2002, Washington State University Department of Natural Resource Sciences and the Washington Department of Natural Resources, Small Forest Landowner Office developed a survey of NIPFs in Washington to identify existing landowner knowledge of environmental regulations.

In the survey, landowners were asked to rank their level of familiarity with the regulations (Table 1). Those who were familiar with the regulations were then asked to identify how they are impacted by the regulations and how they perceive the regulations in terms of strictness (Table 2). Note the ownership size and tenure characteristics of the respondents; in all cases larger

landowners with longer periods of ownership tended to be more familiar with the regulations included in the survey.

**Table 1. Characteristics of respondents very to somewhat familiar with and very to somewhat unfamiliar with state regulations.**

	Familiar	Unfamiliar
<b>WA Forest Practice rules</b>		
% Respondents	30% (n=274)	70% (n=627)
Median acres owned	64 acres	40 acres
Median length of ownership	30 yrs	22 yrs
<b>State Forests and Fish agreement</b>		
% Respondents	30% (n=272)	70% (n=634)
Median acres owned	58.5 acres	40 acres
Median length of ownership	28 yrs	24 yrs
<b>Road Maintenance and Abandonment Plan</b>		
% Respondents	22% (n=199)	78% (n=685)
Median acres owned	93 acres	40 acres
Median length of ownership	30 yrs	23 yrs

The majority of respondents familiar with the rules expressed concern over the potential for government regulations to restrict their management practices. Increases in land-use regulations driven by environmental statutes and litigation, and the potential impacts on the constitutional rights of landowners, are reinforced by state government regulations that require forest landowners to absorb the costs required to protect endangered salmon. In terms of potential economic limitations, these results suggest that a majority of landowners who are familiar with state regulations believe they are restricted in terms of their ability to meet the management objectives of their forests and potential profitability.

The **Road Management and Abandonment Plan (RMAP)** statute requires landowners to submit a plan describing how all forest roads used for transportation of forest products will be maintained under the standards of the FPR (Table 1). Of the 22% familiar with the RMAP law, 36% had developed a road maintenance plan for their forest roads. These participants were asked to estimate the costs necessary to complete their RMAP improvements by 2015. Forty-four percent estimated the costs of compliance up to \$10,000. Twenty-four percent of

respondents estimated \$10,000 to 25,000, 4% estimated costs of \$25,000 to 50,000, 13% estimated \$50,000 to 100,000, and 15% estimated the costs of implementing their RMAP plan would cost more than \$100,000. Approximately 50% of the above

respondents indicated that they were financially incapable of meeting their RMAP requirements by the year 2015. It should be noted that legislation was passed with the objective of reducing the cost to the landowner through public assistance since this survey was taken.

Regardless of regulation familiarity, a substantial number of respondents expressed concern over the limits placed on their ability to manage their lands (Table 2). This does not seem to arise purely from the potential for economic loss, considering timber does not appear to be an important component of respondent incomes. Rather, the loss of management control and government restrictions placed on private property rights may be more significant.

In Washington State, rural communities are growing; resulting in an increase in new forest landowners with smaller-sized forest parcels replacing the large rural, family-owned tree farms (Creighton and Baumgartner 2002). This study suggests that these new forest owners are different than traditional family forest owners. They appear to be less interested in harvesting timber; they have little or no understanding of state forest regulations, have higher incomes, and are employed in a business outside of forestry, or retired—unlike the more traditional landowner who has a higher interest in timber management, a better understanding of environmental regulations, and longer ownership tenure. The respondents in this study who are ignorant of the regulations may simply be a reflection of a new, non-utilitarian approach to forest ownership. However, smaller acreage forest owners that either live in urban population centers, or are new to rural communities may not be aware of educational opportunities; an effective approach to reach these new forest owners might be through partnering with traditionally urban associations (Creighton and Baumgartner 2002). Nonetheless, all forest landowners in Washington State need to be made aware of the state and federal environmental regulations that directly affect them. The legislature must be cognizant that passing laws does not necessarily translate into practice change, and that no matter how well intentioned, land-use laws can have unforeseen consequences for family forest owners.

**Table 2. Respondent attitudes concerning the strictness of the state regulations and subsequent limits to private land management.**

<b>Current regulations in Washington are:</b>	
Too strict	57%
About right	23%
Not strict enough	9%
No opinion	11%
<b>Do current regulations restrict ability to manage land?</b>	
Greatly restricts	26%
Somewhat restricts	36%
No impact at all	29%
Unsure	8%
<b>Do current regulations limit ability to profit?</b>	
Limits greatly	27%
Limits somewhat	32%
Does not limit at all	26%
Unsure	14%

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