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**SUBSTITUTE HOUSE BILL 2285**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Chapman, Tarleton, Lytton, Tharinger, Blake, and Appleton)

AN ACT Relating to establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information; adding new sections to chapter 43.30 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The marbled murrelet, scientific name *Brachyramphus marmoratus*, is a species that resides along the west coast of North America including on state, federal, and privately owned lands within Washington state. The marbled murrelet is listed as threatened under the federal endangered species act and as endangered by the Washington department of fish and wildlife under RCW 77.12.020. The board of natural resources is in the process of deciding upon and submitting a proposed amendment of the 1997 state trust lands habitat conservation plan to the United States fish and wildlife service, which has jurisdiction on species listed in the endangered species act. The proposed amendment will, if approved by the United States fish and wildlife service, amend the existing plan and grant a fifty-year incidental take permit for department of natural resources-managed lands within the habitat of the marbled murrelet.

(2) The legislature finds that ending a twenty-year period of encumbered lands uncertainty through federal approval of a fifty-year marbled murrelet incidental take permit under the federal endangered species act will provide certainty for the beneficiaries of the affected state lands and state forestlands: Our schools, counties, and junior taxing districts. The legislature further finds that protecting the habitat of the marbled murrelet is beneficial to the state and our environment. Protection and recovery of the marbled murrelet may have impacts, specifically on timber jobs in our rural communities and lost revenues to our schools, counties, and junior taxing districts through reduced timber harvests.

(3) It is the intent of the legislature to support protection of the habitat of the marbled murrelet, maintain and enhance rural economic vitality, and mitigate any impacts by requiring the commissioner of public lands to appoint and convene an advisory committee to assist the commissioner in developing a report, with recommendations, to the legislature.

(4) It is the further intent of the legislature that the report identified in subsection (3) of this section include recommendations on: (a) Actions that support maintaining or increasing family-wage timber and related jobs in the affected rural communities, taking into account the role of other market factors, and technological and other changes in industry practices that decrease the number of people needed to harvest and process timber; (b) no net loss of revenues to the trust beneficiaries; (c) additional means of financing county services; and (d) additional reasonable conservation measures for the marbled murrelet that support a viable population in Washington state and that may also provide economic benefits to rural communities.

NEW SECTION. **Sec.**  A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties---general" to read as follows:

By December 1, 2018, and each December 1st thereafter until the United States fish and wildlife service issues an incidental take permit on the state trust land habitat conservation plan for the long-term conservation strategy for the marbled murrelet, the department must provide a report to the legislature as required in section 1 of this act. No fewer than ninety days before submitting the report to the legislature as described in this section, the department must first submit a draft of the report for review and comment to the chair and ranking member of the committees of the house of representatives and senate with jurisdiction over state lands. The report must include an economic analysis of: (1) The net loss or gain of revenues to each of the trust beneficiaries from a proposed marbled murrelet habitat conservation plan approved by the board and forwarded to or approved by the United States fish and wildlife service; (2) the potential net loss or gain of jobs for each impacted county; and (3) economic activity benefits from additional conservation measures that support murrelet protection and recovery.

NEW SECTION. **Sec.**  A new section is added to chapter 43.30 RCW under the subchapter heading "powers and duties---general" to read as follows:

(1) To assist the department in developing and providing the report to the legislature required in section 2 of this act, the commissioner of public lands must appoint a marbled murrelet advisory committee. The committee may: (a) Include one or more representatives from: State lands trust beneficiaries; impacted state forestlands beneficiaries, including county and junior taxing district beneficiaries; environmental organizations; local governments or an association representing local governments; an association representing milling interests; a statewide association representing private forest landowners; local public interest groups; and other interested parties deemed appropriate by the commissioner; and (b) consult with relevant state and federal agencies and tribes.

(2) In the event of any subsequent amendment to the 1997 state trust lands marbled murrelet habitat conservation plan, the commissioner must appoint a subsequent marbled murrelet advisory committee. The composition of the committee shall be as described in subsection (1) of this section. The committee must remain in existence until the subsequent amendment has been adopted.

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