

HOUSE BILL REPORT

HB 2004

As Reported By House Committee On:

Natural Resources
Appropriations

Title: An act relating to necessary emergency measures for the Loomis state forest.

Brief Description: Taking emergency measures to protect the health of the Loomis state forest.

Sponsors: Representatives Thompson, Fuhrman, Goldsmith, Buck, Elliot, Cairnes and Sheldon.

Brief History:

Committee Activity:

Natural Resources: 2/28/95, 3/1/95 [DPS];
Appropriations: 3/4/95 [DP2S(w/o sub NR)].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Staff: Linda Byers (786-7129).

Background: The Loomis State Forest is a 144,000 acre forest in north-central Washington. It is the largest contiguous block of forest land managed by the Department of Natural Resources.

Since the late 1980s, timber sales in the Loomis Forest have generally been challenged. The late 1980s also heralded the beginning of an outbreak of mountain pine beetle infestation. Current estimates of the acreage infested range from approximately 40,000 to 60,000 acres. An infestation from western pine beetle is also a concern in that area. Beetle infestation destroys certain tree species, notably lodgepole pine. Once infested, there is a window of time in which to harvest infested timber before the timber loses much of its value.

In spring of 1993, the Department of Natural Resources created the Loomis State Forest Citizen Advisory Committee. The advisory committee was comprised of 13 members representing a range of viewpoints. The advisory committee's task was to develop management goals and objectives for the Loomis Forest. Through the process developed to reach these goals and objectives, the advisory committee solicited both broad public input and input from technical teams on different subject areas. The advisory committee completed its efforts and submitted its recommended goals and objectives to the department in May 1994. The committee provided goals and objectives for 10 key resource areas: archaeological/cultural resources, recreation, soils, minerals, grazing, water, fish, wildlife, timber, and air. The department is in the process of developing an environmental impact statement on a Loomis Forest management plan, based on the committee's recommendations.

Summary of Substitute Bill: The Legislature finds that an emergency forest health situation exists in the Loomis State Forest. The Department of Natural Resources is to act expediently to resolve the forest health situation in the Loomis Forest and is to maximize income to the trust beneficiaries. If forest practices to implement the purposes of this legislation are appealed and a stay is granted, the Forest Practices Appeals Board and/or the court granting the stay shall require the person requesting the stay to provide security to cover the amount of damages potentially resulting from the stay. In no case shall the security be less than \$100,000.

Substitute Bill Compared to Original Bill: The original bill directed the department to remove immediately the dead, dying and diseased trees in the Loomis State Forest as well as timber at risk of infestation; the substitute directs the department to act expediently to resolve the forest health situation in the Loomis. The original bill exempted actions taken pursuant to the bill from SEPA review. The substitute bill removes this provision but does call for the posting of security if forest practices to implement the bill are appealed and a stay is granted.

Appropriation: The bill contains an appropriation of \$600,000 from the Resource Management Cost Account to the Department of Natural Resources.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The pine beetle infestation is becoming an epidemic. There are millions of dollars in damages, and this is taken from the school trust funds. The infestation is largely in lodgepole pine, which loses its timber value in two years after infestation. The fire risk in the area is increasing and is another serious concern. This infestation was noted as early as 1988. A private landowner would have had to take action within 30 days, yet nothing was done. In 1992, 10,000 acres were

infested. In 1994, it was up to 40,000 acres, and now, in 1995, it is up to 60,000 acres. It is necessary to take action for two reasons: first, from an environmental view because it is destroying the lynx habitat that remains, and second, it is losing millions of dollars in school construction funds. The bill addresses problems which we see slowing down action in the Loomis. We are looking at largely a salvage operation and the replanting of a healthy forest. DNR has a plan supported by Fish and Wildlife; all they have to do is implement it. The bill goes in the direction DNR is going in and needs to go further in.

Testimony Against: This bill circumvents the citizen process. It is based on a false alarm about the beetle infestation. The entomologist we hired determined that the bug population is in a state of collapse. These forests are naturally fire-based and always have been. The proposed management is not fire control; the slash piles pose a fire danger. The proposed legislation is not management of lodgepole pine over time and space. Supposed eradication of pine beetle is also eradication of lynx and other assets of the trusts. There are prudent ways to manage lodgepole pine forests; it does not involve roading the unroaded lands where these stands are found. This beetle has never been controlled anywhere in the western U.S. Prudent management will not endanger the enjoyment, existence, or continued sustainability of other trust assets. The three R's of road, removal and run will provide dollars to the trust now but will not allow future beneficiaries equal access to trust revenue. Industrial forestry in the Loomis has degraded the forest by highgrading and leaving ravaged stands. The advisory group is working on rectifying the old problems of single resource management versus managing for all the forest's resources. The bonding provision is a concern.

Testified: Representative Bill Thompson, prime sponsor; Jerry Theis and Bonnie Lawrence, Okanogan Resource Council and Okanogan County Citizens Coalition; Bob Dick, Northwest Forestry Association; Stan Biles, Department of Natural Resources (all in favor); Mark Skatrud, Friends of the Loomis Forest; and Mike Leigh (all opposed).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by 22 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Foreman; Grant; Hargrove; Hickel; Lambert; Lisk; McMorris; Reams; Sehlin; Sheahan and Talcott.

Minority Report: Do not pass. Signed by 7 members: Representatives Valle; G. Fisher; Jacobsen; Poulsen; Rust; Thibaudeau and Wolfe.

Staff: Susan Nakagawa (786-7145).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Natural Resources: The \$600,000 appropriation from the Resource Management Cost Account is deleted.

Appropriation: None.

Fiscal Note: New fiscal note requested March 6, 1995.

Effective Date The bill contains an emergency clause and takes effect immediately.

Testimony For: The Loomis State Forest is suffering a serious forest health problem. The forest is a complex forest with different uses and needs. The issue is not harvest, but rather salvage. Virtually all harvest activity has been shut down in the gridlock. The fiscal implications of not acting are enormous. Forty thousand to 60,000 acres a year are becoming infested and this has resulted in millions of dollars of lost income. The value of timber to be removed exceeds \$200 million. It is necessary to act immediately.

Testimony Against: The Loomis State Forest is home to the spotted lynx which is a state threatened species. A plan to deal with the lynx and other sensitive species is necessary. Section 2 of the bill presents some legal problems regarding maximizing income to the trusts and amendatory language specifying that the plan would attempt to maximize income for the trusts would be preferred.

Testified: Jennifer Belcher, Commissioner for Public Lands (con); Representative Barney Beekma (pro); and Cyreis Schmidt, Department of Fisheries and Wildlife (with concerns).