

HOUSE BILL REPORT

HB 1060

As Reported by House Committee On:

Natural Resources

Title: An act relating to reconveyance of state forest board transfer lands for drinking water protection.

Brief Description: Allowing for the conveyance of certain forest board transfer lands to protect municipal drinking water supplies.

Sponsors: Representatives Rockefeller, Ericksen, Barlean, Jackley, Doumit, Eickmeyer, Linville, Haigh and Esser.

Brief History:

Committee Activity:

Natural Resources: 2/19/01, 2/21/01 [DPS].

Brief Summary of Substitute Bill

- Allows counties to request that Forest Board Transfer lands be reconveyed from the Department of Natural Resources to a county for the protection of the source of drinking water within municipal watershed boundaries.
- Requires all lands reconveyed to a county for the purpose of drinking water protection to be managed under a watershed-specific forest management plan adopted by the affected communities and approved by a committee composed of various stakeholders.
- Creates an advisory committee to develop standards for watershed-specific forest management plans composed of various stakeholders.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Staff: Jason Callahan (786-7117).

Background:

If a county acquires land that may be used as state forest land through the foreclosure of tax liens, the Department of Natural Resources (DNR) may demand that the deed to such land be conveyed to the DNR. Any land deeded to the DNR in this manner becomes part of the state forest lands and is held in trust, administered, and protected in the same manner as other state forest lands. Any revenue generated by the lease of, or removal of valuable materials from lands transferred from the county to the DNR is shared by both the county and the DNR.

According to the DNR, there are currently 543,563 acres of state forest land held in a transfer trust. These acres are spread throughout 21 counties. Approximately 98 percent of the transfer lands are currently forested.

In 1969 the Legislature granted counties the authority to apply to the DNR for the reconveyance of transfer lands that are needed by the county for public park use. The DNR reconveys transfer land back to the county if it determines that the county's proposed park use is consistent with the state outdoor recreation plan. Once reconveyed, the deed remains with the county for as long as the lands are used for the proposed public park purpose. The DNR may condition the reconveyance of the lands so as to allow the DNR to manage adjacent state-owned lands in a way that maximizes multiple use.

Summary of Substitute Bill:

The legislative authority of a county has the authority to determine that Forest Board Transfer lands are needed for the protection of source drinking water within or adjacent to municipal watershed boundaries. If such a determination is made, the county may request that DNR transfer the deed of the lands back to the county. Any reasonable administrative costs associated with the transfer is to be paid by the requesting county.

The DNR must transfer the deed of the forest lands back to the county if it determines that removing the lands from timber production will result in significantly greater protection for the source of municipal drinking water. The request will be denied if the DNR finds that a reconveyance would not significantly contribute to the protection of drinking water. The forest lands will remain conveyed to the county for as long as the lands are used for the protection of municipal drinking water. The reconveyance of the forest lands may contain conditions that allow the DNR to coordinate management of any adjacent state-owned lands to encourage maximum multiple use management. The DNR may also reserve rights-of-way through the reconveyed land as needed to manage other state-owned lands in the area. Upon request of the DNR, the land will be conveyed back to the DNR if at any time the forest land is not used for the protection of municipal drinking water.

Timber resources reconveyed to a county are not included for the purposes of calculating the sustainable harvest.

Substitute Bill Compared to Original Bill:

The original bill allows Forest Board Transfer lands adjacent to municipal watersheds to be reconveyed to the county. The substitute bill requires any lands reconveyed to be within the municipal watershed.

The substitute bill requires all reconveyed lands to be managed under a watershed-specific forest management plan, and creates an advisory committee to make recommendations regarding the content of forest management plans.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The DNR has in the past showed intent to cut steep, unstable banks around Lake Whatcom. The current forest practice rules are not strong enough to prevent the DNR from taking this action that could impact drinking water and the public health. Lives should not be put at risk just to access timber. Timber harvest should be encouraged, but at levels and types that is appropriate for the protection of drinking water and the public safety. This bill provides a mechanism to protect drinking water and the public safety.

Testimony Against: The bill would result in significant financial impacts on the state general fund. Approximately 10 percent of forest board lands could be reconvened to the counties for drinking water protection, reducing the trust by \$9 million. Much of these lost funds would go to the county general fund and to fund local projects if not for a reconveyance. Good water quality and forest management can and do co-exist. Multiple uses should be encouraged, and this bill encourages single uses. The new commissioner of Public Lands should have a chance to address issues administratively before legislation is pursued.

Testified: (In support) Representative Rockefeller, prime sponsor.

(In support with concerns) Bruce Mackey and Jack Hulsei, Department of Natural Resources; Linda Marron and Alan Soicher, Lake Whatcom Landscape Plan Committee.