
ENGROSSED SUBSTITUTE HOUSE BILL 2285

State of Washington

65th Legislature

2018 Regular Session

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

READ FIRST TIME 01/19/18.

1 AN ACT Relating to establishing a reporting process for the
2 department of natural resources regarding certain marbled murrelet
3 habitat information; adding new sections to chapter 43.30 RCW;
4 creating a new section; and providing a contingent expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the 1997
7 state trust lands habitat conservation plan and the proposed
8 amendment related to the conservation of the marbled murrelet, which
9 provide certainty for beneficiaries of affected state lands and state
10 forestlands, present an important and ongoing issue for the people of
11 the state of Washington. The legislature further finds that complying
12 with the endangered species act is a necessary aspect of managing
13 state trust lands. The lands that are the subject of the 1997 habitat
14 conservation plan are held by the state in trust for the trust
15 beneficiaries, and the proposed amendment to the 1997 state trust
16 lands habitat conservation plan presents an opportunity for the
17 legislature to engage in its role as a fiduciary of those lands.

18 (2) The legislature intends that the process set forth in this
19 act will serve as a model for future processes in the event that
20 there are any subsequent amendments to the 1997 state trust lands
21 habitat conservation plan beyond those envisioned in this act.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30
2 RCW under the subchapter heading "powers and duties--general" to read
3 as follows:

4 (1) By December 1, 2018, and each December 1st until the year
5 after the United States fish and wildlife service issues an
6 incidental take permit on the state trust land habitat conservation
7 plan for the long-term conservation strategy for the marbled
8 murrelet, the department must provide a report to the legislature,
9 consistent with RCW 43.01.036, as required in this section. No fewer
10 than ninety days before submitting the report to the legislature as
11 described in this section, the department must first submit a draft
12 of the report for review and comment to the chair and ranking member
13 of the committees of the house of representatives and senate with
14 jurisdiction over state trust lands management.

15 (2) The report required in this section must annually include an
16 economic analysis of potential losses or gains from any proposed
17 marbled murrelet long-term conservation strategy selected by the
18 board of natural resources, forwarded to or approved by the United
19 States fish and wildlife service, and subsequently adopted by the
20 board.

21 (3) The initial report required under this section must also
22 include recommendations relating to the following, to be updated as
23 appropriate in subsequent reports:

24 (a) Actions that support maintaining or increasing family-wage
25 timber and related jobs in the affected rural communities, taking
26 into account, as appropriate, the role of other market factors;

27 (b) Strategies to ensure no net loss of revenues to the trust
28 beneficiaries due to the implementation of additional marbled
29 murrelet conservation measures;

30 (c) Additional means of financing county services; and

31 (d) Additional reasonable, incentive-based, nonregulatory
32 conservation measures for the marbled murrelet that also provide
33 economic benefits to rural communities.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30
35 RCW under the subchapter heading "powers and duties--general" to read
36 as follows:

37 (1) To assist the department in developing and providing the
38 report to the legislature required in section 2 of this act, the
39 commissioner must appoint a marbled murrelet advisory committee.

1 (2) The marbled murrelet advisory committee may include one or
2 more representatives from the following categories:

3 (a) State trust lands beneficiaries;

4 (b) Impacted state forestlands beneficiaries, including counties;

5 (c) Junior taxing districts;

6 (d) Environmental organizations;

7 (e) Local governments or an association representing local
8 governments;

9 (f) Milling interests or an association representing milling
10 interests;

11 (g) Private forest landowners or a statewide association
12 representing private forest landowners; and

13 (h) Local public interest groups.

14 (3) The advisory committee required under this section may
15 consult with relevant state and federal agencies and tribes.

16 NEW SECTION. **Sec. 4.** (1) Sections 2 and 3 of this act expire at
17 the end of the calendar year following the issuance by the United
18 States fish and wildlife service of an incidental take permit on the
19 long-term conservation strategy for the marbled murrelet under the
20 state trust lands habitat conservation plan and subsequent adoption
21 by the board of natural resources.

22 (2) The department of natural resources must notify the chief
23 clerk of the house of representatives, the secretary of the senate,
24 and the office of the code reviser when the conditional expiration
25 date of sections 1 and 2 of this act is satisfied.

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