
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; and
4 creating a new section.

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

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

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

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

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

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

33 By December 1, 2018, and each December 1st thereafter until the
34 United States fish and wildlife service issues an incidental take
35 permit on the state trust land habitat conservation plan for the
36 long-term conservation strategy for the marbled murrelet, the
37 department must provide a report to the legislature as required in
38 section 1 of this act. No fewer than ninety days before submitting
39 the report to the legislature as described in this section, the

1 department must first submit a draft of the report for review and
2 comment to the chair and ranking member of the committees of the
3 house of representatives and senate with jurisdiction over state
4 lands. The report must include an economic analysis of: (1) The net
5 loss or gain of revenues to each of the trust beneficiaries from a
6 proposed marbled murrelet habitat conservation plan approved by the
7 board and forwarded to or approved by the United States fish and
8 wildlife service; (2) the potential net loss or gain of jobs for each
9 impacted county; and (3) economic activity benefits from additional
10 conservation measures that support murrelet protection and recovery.

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

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

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

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