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**Agriculture & Natural Resources  
Committee**

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**2SSB 6144**

**Brief Description:** Developing a statewide plan to address forest health.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Morton and Deccio).

**Brief Summary of Second Substitute Bill**

- Designates the Commissioner of Public Lands as the state's lead for working with the federal government on forest health issues.
- Creates a stakeholder group to, among other things, help the Commissioner of Public Lands develop a statewide forest health plan.
- Requires certain timber harvest to occur within the Loomis State Forest.
- Removes the provision in the Department of Natural Resources' contract harvesting program that limits the program to 10 percent of state timber sales.

**Hearing Date:** 2/20/04

**Staff:** Jason Callahan (786-7117).

**Background:**

Forest Health Management

The Legislature declared in 1951 that forest insects and forest tree diseases that threaten permanent timber production in Washington are public nuisances (RCW 76.06.010). In response, the Department of Natural Resources (DNR) and the private forest landowners in the state were given specific direction by the Legislature as to how forest health should be protected (RCW Chapter 76.06).

The initial responsibility to protect forest health belongs to the landowner. Every forest landowner is required to make every reasonable effort to control or eradicate forest insect pests and diseases that threaten a stand of timber. If a landowner fails in this duty, the DNR may involve itself in forest health maintenance operations (RCW 76.06.040).

The DNR is required to declare an Infestation Control District for any area of timber lands that is threatened with insect or disease infestations, or that has already become infested. Once an Infestation Control District is established, the DNR must notify all landowners within the district that they are required to control or destroy the pests or disease (RCW 76.06.050).

If the landowner within an Infestation Control District is unable or unwilling to address the infestation, the DNR has the duty to proceed with infestation control and eradication efforts, even if the landowner does not provide consent (RCW 76.06.060). Up to 25 percent of any expenses incurred by the DNR in conducting a pest or disease control operation on private land, that is not otherwise funded, becomes the responsibility of the landowner (RCW 76.06.070).

The nation's federal forests are managed by the United States Department of Agriculture (USDA), through the Forest Service. In Washington, the Forest Service manages six national forests. These forests are the Colville Forest, the Gifford Pinchot Forest, the Mount Baker-Snoqualmie Forest, the Okanogan Forest, the Olympic Forest, and the Wenatchee Forest. The total upland acreage managed by the Forest Service in Washington is reported by the Interagency Committee for Outdoor Recreation to be over 9 million acres.

The USDA is not the only agency that manages federally-owned land. The Department of the Interior oversees five land management agencies that manage over 507 million acres nationwide. The land management agencies housed within the Department of the Interior include the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, and the Bureau of Reclamation.

### Contract Harvesting

The DNR has the authority to directly contract for the removal of up to 10 percent of the total annual volume of timber offered for sale from state forest lands. The gross proceeds from the sale of logs that were harvested under contract are deposited into the Contract Harvesting Revolving Account. The net proceeds from the sale are paid to the State Treasurer for distribution in the appropriate trust accounts after the authorized deductions are made.

### **Summary of Bill:**

#### Government-to-Government Relations

The Commissioner of Public Lands (Commissioner), as the state's lead for forest health issues, is directed to represent the state's interest before local, state, and federal agencies. This duty includes developing comments on federal forest management plans and activities and pursuing cooperative agreements with the United States Forest Service and Bureau of Land Management that will allow the state to participate in land management plans.

The Commissioner must report annually on the progress of federal representation, funding needs, statute changes, and policy issues.

#### Forest Health Plan

The Commissioner is directed to develop a statewide plan to address forest health on both public and private properties. In addition, the DNR must work with the Forest Practices Board to deliver recommendations to the Legislature by November 1, 2004 for ways that the state can expedite the

salvage of timber damaged by disease, wind, or fire. The recommendations must include working with interdisciplinary teams to ensure that fish, wildlife, and other public resources are protected.

### Forest Health Work Group

A work group composed of numerous stakeholders appointed by the Commissioner is created to advise the Commissioner on forest health issues. The work group participants include representatives of various timber owners, universities, an environmental organization, counties, the Governor's Office, tribal councils, and the United States Forest Service.

The work group is assigned a number of tasks. These include:

- Determining if the current forest health statutes are adequate;
- Studying landowner incentives to encourage the maintenance of forest health;
- Considering how land could be monitored or regulated;
- Identifying opportunities and barriers to improving current disease, insect, wind, and fire prevention measures;
- Assisting the Commissioner in developing a forest health plan;
- Developing funding alternatives for forest health.

By the end of the year the work group must report its findings and suggestions to the Legislature, together with recommendations from the DNR for the control and appropriate billing for landowners that fail to address forest health on their land.

### Loomis State Forest Sales

The DNR is directed to contract for the harvest of timber in the Loomis State Forest. The sales, intended to be part of the DNR's contract harvesting program, are to be designed to restore healthy timber stocking levels and stand conditions. The sales must be at least 5,000 acres in size, and be representative of the larger conditions in the state forest.

### Contract Harvesting

The 10 percent of state sales limitation on the DNR's contract harvesting program is removed. Instead, the DNR is directed to periodically determine the total annual volume of timber that may be offered through contract harvesting.

### Funding

The Commissioner and the Office of Financial Management are directed to determine the necessary withdrawals from numerous state accounts, including the Resource Management Cost Account and the General Fund, in order to fund the requirements of this act. In addition, the DNR may use money from the Contract Harvesting Revolving Account to pay for the costs incurred from necessary silvicultural treatments.

**Appropriation:** None.

**Fiscal Note:** Requested on February 16, 2004.

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