

HB 2165 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 04/07/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that forest biomass  
4 is an abundant and renewable byproduct of Washington's forest land  
5 management. Forest biomass can be utilized to generate clean renewable  
6 energy.

7 In some Washington forests, residual forest biomass is burned on  
8 site or left to decompose. The lack of forest products markets in some  
9 areas means that standing forest biomass removed for forest health and  
10 wildfire risk reduction treatments must occur at substantial cost.  
11 Utilizing forest biomass to generate energy can reduce the greenhouse  
12 gases emitted by burning forest biomass.

13 The legislature further finds that the emerging forest biomass  
14 energy economy is challenged by: Not having a reliable supply of  
15 predictably priced forest biomass feedstock; shipping and processing  
16 costs; insufficient forest biomass processing infrastructure; and  
17 feedstock demand.

18 The legislature finds that making use of the state's forest biomass  
19 resources for energy production may generate new revenues or increase  
20 asset values of state lands and state forest lands, protect forest land  
21 of all ownerships from severe forest health problems, stimulate  
22 Washington's economy, create green jobs, and reduce Washington's  
23 dependence on foreign oil.

24 It is the intent of the legislature to support forest biomass  
25 demonstration projects that employ promising processing technologies.  
26 The demonstration projects must emphasize public and private forest  
27 biomass feedstocks that are generated as byproducts of current forest  
28 practices. The project must reveal ways to overcome the current  
29 impediments to the developing forest biomass energy economy, and ways  
30 to realize ecologically sustainable outcomes from that development.

1        NEW SECTION.    **Sec. 2.**    (1) The department may develop and implement  
2 forest biomass energy demonstration projects, one east of the crest of  
3 the Cascade mountains and one west of the crest of the Cascade  
4 mountains. The demonstration projects must be designed to:

5        (a) Reveal the utility of Washington's public and private forest  
6 biomass feedstock;

7        (b) Create green jobs and generate renewable energy;

8        (c) Generate revenues or improve asset values for beneficiaries of  
9 state lands and state forest lands;

10       (d) Improve forest health, reduce pollution, and restore ecological  
11 function; and

12       (e) Avoid interfering with the current working area for forest  
13 biomass collection surrounding an existing fixed location biomass  
14 energy production site.

15       (2) To develop and implement the forest biomass energy  
16 demonstration projects, the department may form forest biomass energy  
17 partnerships or cooperatives.

18       (3) The forest biomass energy partnerships or cooperatives are  
19 encouraged to be public-private partnerships focused on convening the  
20 entities necessary to grow, harvest, process, transport, and utilize  
21 forest biomass to generate renewable energy. Particular focus must be  
22 given to recruiting and employing emerging technologies that can  
23 locally process forest biomass feedstock to create local green jobs and  
24 reduce transportation costs.

25       (4) The forest biomass energy partnerships or cooperatives may  
26 include, but are not limited to:    Entrepreneurs or organizations  
27 developing and operating emerging technology to process forest biomass;  
28 industrial electricity producers; contractors capable of providing the  
29 local labor needed to collect, process, and transport forest biomass  
30 feedstocks; tribes; federal land management agencies; county, city, and  
31 other local governments; the department of community, trade, and  
32 economic development; state trust land managers; an organization  
33 dedicated to protecting and strengthening the jobs, rights, and working  
34 conditions of Washington's working families; accredited research  
35 institution representatives; an industrial timber land manager; a small  
36 forest landowner; and a not-for-profit conservation organization.

1        NEW SECTION.    **Sec. 3.**    By December 2010, the department shall  
2 provide a progress report to the legislature regarding its efforts to  
3 develop, implement, and evaluate forest biomass energy demonstration  
4 projects and any other department initiatives related to forest  
5 biomass. The report may include an evaluation of:

6        (1) The status of the department's abilities to secure funding,  
7 partners, and other resources for the forest biomass energy  
8 demonstration projects;

9        (2) The status of the biomass energy demonstration projects  
10 resulting from the department's efforts;

11       (3) The status and, if applicable, additional needs of forest  
12 landowners within the demonstration project areas for estimating  
13 sustainable forest biomass yields and availability;

14       (4) Forest biomass feedstock supply and forest biomass market  
15 demand barriers, and how they can best be overcome including actions by  
16 the legislature and United States congress; and

17       (5) Sustainability measures that may be instituted by the state to  
18 ensure that an increasing demand for forest biomass feedstocks does not  
19 impair public resources or the ecological conditions of forests.

20       NEW SECTION.    **Sec. 4.**    For the purposes of implementing this act,  
21 the department may seek grants or financing from the federal  
22 government, industry, or philanthropists.

23       **Sec. 5.**    RCW 76.06.150 and 2004 c 218 s 2 are each amended to read  
24 as follows:

25       (1) The commissioner of public lands is designated as the state of  
26 Washington's lead for all forest health issues.

27       (2) The commissioner of public lands shall strive to promote  
28 communications between the state and the federal government regarding  
29 forest land management decisions that potentially affect the health of  
30 forests in Washington and will allow the state to have an influence on  
31 the management of federally owned land in Washington. Such government-  
32 to-government cooperation is vital if the condition of the state's  
33 public and private forest lands are to be protected. These activities  
34 may include, when deemed by the commissioner to be in the best interest  
35 of the state:

1 (a) Representing the state's interest before all appropriate local,  
2 state, and federal agencies;

3 (b) Assuming the lead state role for developing formal comments on  
4 federal forest management plans that may have an impact on the health  
5 of forests in Washington; (~~and~~)

6 (c) Pursuing in an expedited manner any available and appropriate  
7 cooperative agreements, including cooperating agency status  
8 designation, with the United States forest service and the United  
9 States bureau of land management that allow for meaningful  
10 participation in any federal land management plans that could affect  
11 the department's strategic plan for healthy forests and effective fire  
12 prevention and suppression, including the pursuit of any options  
13 available for giving effect to the cooperative philosophy contained  
14 within the national environmental policy act of 1969 (42 U.S.C. Sec.  
15 4331); and

16 (d) Pursuing agreements with federal agencies in the service of  
17 forest biomass energy partnerships and cooperatives authorized under  
18 sections 2 through 4 of this act.

19 (3) The commissioner of public lands shall report to the chairs of  
20 the appropriate standing committees of the legislature every year on  
21 progress under this section, including the identification, if deemed  
22 appropriate by the commissioner, of any needed statutory changes,  
23 policy issues, or funding needs.

24 **Sec. 6.** RCW 43.30.020 and 1965 c 8 s 43.30.020 are each amended to  
25 read as follows:

26 (~~For the purpose of this chapter, except where a different~~  
27 ~~interpretation is required by the context:~~) The definitions in this  
28 section apply throughout this chapter unless the context clearly  
29 requires otherwise.

30 (1) "Department" means the department of natural resources((+)).

31 (2) "Board" means the board of natural resources((+)).

32 (3) "Administrator" means the administrator of the department of  
33 natural resources((+)).

34 (4) "Supervisor" means the supervisor of natural resources((+)).

35 (5) "Agency" and "state agency" means any branch, department, or  
36 unit of the state government, however designated or constituted((+)).

37 (6) "Commissioner" means the commissioner of public lands.

1       (7) "Forest biomass" means the byproducts of: Current forest  
2 practices prescribed or permitted under chapter 76.09 RCW; current  
3 forest protection treatments prescribed or permitted under chapter  
4 76.04 RCW; or the byproducts of forest health treatments prescribed or  
5 permitted under chapter 76.06 RCW. "Forest biomass" does not include  
6 wood pieces that have been treated with chemical preservatives such as:  
7 Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old  
8 growth forests, except wood removed for forest health treatments under  
9 chapter 76.06 RCW and RCW 79.15.540; wood required by chapter 76.09 RCW  
10 for large woody debris recruitment; or municipal solid waste.

11       NEW SECTION. Sec. 7. If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 remainder of the act or the application of the provision to other  
14 persons or circumstances is not affected.

15       NEW SECTION. Sec. 8. Sections 2 through 4 of this act are each  
16 added to chapter 43.30 RCW under the subchapter heading "duties and  
17 powers--forested lands."

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18       On page 1, line 2 of the title, after "project;" strike the  
19 remainder of the title and insert "amending RCW 76.06.150 and  
20 43.30.020; adding new sections to chapter 43.30 RCW; and creating a new  
21 section."

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