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**HOUSE BILL 1799**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Tharinger, Short, Lytton, MacEwen, Chapman, Orcutt, Buys, J. Walsh, Taylor, Shea, Blake, Smith, and McCabe

AN ACT Relating to utilizing cooperative agreements with the federal government, such as good neighbor agreements with the United States forest service, to advance forest health in Washington; amending RCW 76.06.150 and 76.06.020; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that according to a 2014 report from the department of natural resources, two million seven hundred thousand acres of eastern Washington forestland is in need of thinning and restoration activities and forty-three percent of this acreage is managed by the federal government, primarily through the United States forest service.

(2) The legislature further finds that efforts are underway to improve the health and resiliency of forests in western Washington, where the United States forest service manages over three million five hundred thousand acres of forestland and frequently lacks the capacity needed to meet ecological and economic objectives despite collaborative support for increased management activities.

(3) The legislature further finds that following record wildfire years in 2014 and 2015, there is an urgent need to increase the pace and scale of forest restoration activities and that the good neighbor authority provided by congress to the United States forest service in the 2014 farm bill provides an unprecedented opportunity for federal/state partnerships to address threats to forest and watershed health across broad landscapes.

(4) The legislature further finds that the implementation of good neighbor agreements: Provides the ability to work across jurisdictional boundaries and treat landscapes that are in mixed ownerships; fosters a collaborative approach to address land management challenges; and creates a setting that better utilizes the respective resources and capacities of the state and federal governments.

(5) The legislature further finds that investments in forest health provide a multitude of benefits, including reduced forest fire risk, increased recreational opportunities, and economic development opportunities in many of Washington's rural communities.

(6) The legislature further finds that Washington will be better situated to join Colorado and Wisconsin as states that have successfully implemented good neighbor agreements if the department of natural resources is provided with clear authority and direction to pursue these agreements with the United States forest service and utilize available federal resources and income from forest projects to provide state assistance in planning and implementing forest restoration activities on federal lands.

**Sec.**  RCW 76.06.150 and 2009 c 163 s 5 are each amended to read as follows:

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

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

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

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

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

(d) Pursuing agreements with federal agencies in the service of forest biomass energy partnerships and cooperatives authorized under RCW 43.30.835 through 43.30.840; and

(e) Entering into good neighbor agreements with the United States forest service as authorized in 16 U.S.C. Sec. 2113a.

(3) Consistent with RCW 43.01.036, the commissioner of public lands shall report to the ((~~chairs of the appropriate standing committees of the~~)) legislature every year on progress under this section, including the identification, if deemed appropriate by the commissioner, of any needed statutory changes, policy issues, or funding needs.

NEW SECTION. **Sec.**  (1) The department of natural resources shall use the authority granted to it in RCW 76.06.150 to implement a good neighbor agreement demonstration project designed to determine the value of investing state resources in good neighbor agreement projects with the United States forest service.

(2) At a minimum, the department of natural resources must plan and implement one forest and watershed restoration project on federal lands under a good neighbor agreement with the United States forest service. This project must be located adjacent, or in proximity, to state trust lands managed by the department and existing forest products sawmilling infrastructure.

(3) The department of natural resources must report the results of the demonstration project required under this section to the legislature, consistent with RCW 43.01.036, by December 28, 2018. This report must include:

(a) The size and scale of the demonstration project;

(b) The forest and watershed restoration objectives achieved;

(c) The total cost to complete the project;

(d) The appraised value of any timber removed during the project;

(e) The total revenues received by the department from the federal government or through the implementation of the project;

(f) How any project income was used by the department;

(g) Identification of any barriers that made the project less efficient;

(h) Recommendations, if any, as to how good neighbor agreements could be used to help advance Washington's forest health goals, including the feasibility of a dedicated account that could receive project income and use it to fund further forest restoration on federal, state, and private lands.

(4) In addition to the final report required under subsection (3) of this section, the department of natural resources must issue interim progress reports to the legislature dated December 29, 2017, and July 1, 2018.

(5) This section expires August 1, 2019.

**Sec.**  RCW 76.06.020 and 2007 c 480 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agent" means the recognized legal representative, representatives, agent, or agents for any owner.

(2) "Commissioner" means the commissioner of public lands.

(3) "Department" means the department of natural resources.

(4) "Disturbance agent" means those forces that damage or kill significant numbers of forest trees, such as insects, diseases, windstorms, ice storms, and fires.

(5) "Exotic" means not native to forestlands in Washington state.

(6) "Forest health" means, for the purposes of this chapter, the condition of a forest being sound in ecological function, sustainable, resilient, and resistant to insects, diseases, fire, and other disturbance, and having the capacity to meet landowner objectives.

(7) "Forest health emergency" means the introduction of, or an outbreak of, an exotic forest insect or disease that poses an imminent danger of damage to the environment by threatening the survivability of native tree species.

(8) "Forest insect or disease" means a living stage of an insect, other invertebrate animal, or disease-causing organism or agent that can directly or indirectly injure or cause disease or damage in trees, or parts of trees, or in processed or manufactured wood, or other products of trees.

(9) "Forestland" means any land on which there are sufficient numbers and distribution of trees and associated species to, in the judgment of the department, contribute to the spread of forest insect or forest disease outbreaks that could be detrimental to forest health.

(10) "Good neighbor agreements" means cooperative agreements between a state and the United States forest service to carry out federally authorized forest restoration services. The authority to enter into good neighbor agreements is provided to the United States forest service in 16 U.S.C. Sec. 2113a.

(11) "Integrated pest management" means a strategy that uses various combinations of pest control methods, including biological, cultural, and chemical methods, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

((~~(11)~~)) (12) "Native" means having populated Washington's forested lands prior to European settlement.

((~~(12)~~)) (13) "Outbreak" means a rapidly expanding population of insects or diseases with potential to spread.

((~~(13)~~)) (14) "Owner" means and includes persons or their agents.

((~~(14)~~)) (15) "Person" means any individual, partnership, private, public, or municipal corporation, county, federal, state, or local governmental agency, tribes, or association of individuals of whatever nature.

((~~(15)~~)) (16) "Timberland" means any land on which there is a sufficient number of trees, standing or down, to constitute, in the judgment of the department, a forest insect or forest disease breeding ground of a nature to constitute a menace, injurious and dangerous to permanent forest growth in the district under consideration.

((~~(16)~~)) (17) "Uncharacteristic" means ecologically atypical for a forest or vegetation type or plant association and refers to fire, insect, or disease events that are not within a natural range of variability.

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