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**HOUSE BILL 2285**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Chapman, Tarleton, Lytton, Tharinger, Blake, and Appleton

AN ACT Relating to establishing a reporting process for the department of natural resources regarding certain marbled murrelet habitat information; adding new sections to chapter 43.30 RCW; and creating a new section.

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

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

(2) The legislature finds that ending a twenty-year period of encumbered lands uncertainty through federal approval of a fifty-year marbled murrelet incidental take permit under the federal endangered species act will provide certainty for the beneficiaries of the affected state lands and state forestlands; our schools, counties, and junior taxing districts. The legislature further finds that protecting the habitat of the marbled murrelet is beneficial to the state and our environment, but such protection will have impacts, specifically on timber jobs in our rural communities and lost trust revenues to our schools, counties, and junior taxing districts through reduced timber harvests.

(3) It is the intent of the legislature to support protection of the habitat of the marbled murrelet, while mitigating the impacts of that protection by requiring the commissioner of public lands to appoint and convene an advisory council to assist the commissioner in developing a report, with recommendations, to the legislature.

(4) It is the further intent of the legislature that the report identified in subsection (3) of this section include recommendations that may be adopted under state law that include: No net loss of timber jobs in the affected rural communities; no net loss of revenues to the trust beneficiaries, including schools, counties, and junior taxing districts; and potential additional conservation measures for the marbled murrelet that meet the no net loss threshold for jobs and revenues to the trust beneficiaries.

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

By December 1, 2018, and each December 1st thereafter until the December 1st after the 1997 state trust lands habitat conservation plan is amended and an incidental take permit has been issued by the United States fish and wildlife service to the department covering the habitat of the marbled murrelet, the department must provide a report to the legislature. The report must include:

(1) An economic analysis of: (a) The net loss or gain of revenues to each of the trust beneficiaries from a proposed marbled murrelet habitat conservation plan approved by the board: (i) For consideration by the public and subject to an environmental impact statement; and (ii) forwarded to or approved by the United States fish and wildlife service; and (b) the potential net loss or gain of jobs for each impacted county;

(2) Recommendations for consideration by the legislature: (a) To offset the identified potential loss of revenues to the beneficiaries; (b) to offset the identified loss of jobs in the rural communities; and (c) for policies that may be adopted before the dates that the losses are projected to occur;

(3) Recommendations for consideration by the legislature for additional marbled murrelet conservation measures; and

(4) Recommendations for consideration by the legislature for modifications, if any, on the definition of arrearage under RCW 79.10.300 that may provide additional certainty with respect to timber revenues to impacted trust beneficiaries.

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

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

**--- END ---**