

2SSB 6144 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 03/10/2004

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 76.06 RCW
4 to read as follows:

5 (1) The legislature finds that Washington faces serious forest
6 health problems where forests are overcrowded or trees are infested
7 with or susceptible to insects, diseases, wind, ice storms, and fire.
8 The causes and contributions to these susceptible conditions include
9 fire suppression, past timber harvesting and silvicultural practices,
10 and the amplified risks that occur when the urban interface penetrates
11 forest land.

12 (2) The legislature further finds that forest health problems may
13 exist on forest land regardless of ownership, and the state should
14 explore all possible avenues for working in collaboration with the
15 federal government to address common health deficiencies.

16 (3) The legislature further finds that healthy forests benefit not
17 only the economic interests that rely on forest products but also
18 provide environmental benefits, such as improved water quality and
19 habitat for fish and wildlife.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.06 RCW
21 to read as follows:

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

24 (2) The commissioner of public lands shall strive to promote
25 communications between the state and the federal government regarding
26 forest land management decisions that potentially affect the health of
27 forests in Washington and will allow the state to have an influence on
28 the management of federally owned land in Washington. Such government-
29 to-government cooperation is vital if the condition of the state's

1 public and private forest lands are to be protected. These activities
2 may include, when deemed by the commissioner to be in the best interest
3 of the state:

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

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

9 (c) Pursuing in an expedited manner any available and appropriate
10 cooperative agreements, including cooperating agency status
11 designation, with the United States forest service and the United
12 States bureau of land management that allow for meaningful
13 participation in any federal land management plans that could affect
14 the department's strategic plan for healthy forests and effective fire
15 prevention and suppression, including the pursuit of any options
16 available for giving effect to the cooperative philosophy contained
17 within the national environmental policy act of 1969 (42 U.S.C. Sec.
18 4331).

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 NEW SECTION. **Sec. 3.** The commissioner of public lands shall
25 develop a statewide plan for increasing forest resistance and
26 resilience to forest insects, disease, wind, and fire in Washington by
27 December 30, 2004. In developing the statewide plan, the commissioner
28 shall work with and consult the work group created in section 4 of this
29 act.

30 NEW SECTION. **Sec. 4.** (1) A work group is created to study
31 opportunities to improve the forest health issues enumerated in section
32 1 of this act that are facing forest land in Washington and to help the
33 commissioner of public lands develop a strategic plan under section 3
34 of this act. The work group may, if deemed necessary, identify and
35 focus on regions of the state where forest health issues enumerated in
36 section 1 of this act are the most critical.

1 (2)(a) The work group is comprised of individuals selected on the
2 basis of their knowledge of forests, forest ecology, or forest health
3 issues and, if determined by the commissioner of public lands to be
4 necessary, should represent a mix of individuals with knowledge
5 regarding specific regions of the state. Members of the work group
6 shall be appointed by the commissioner of public lands, unless
7 otherwise specified, and shall include:

8 (i) The commissioner of public lands or the commissioner's
9 designee, who shall serve as chair;

10 (ii) A representative of a statewide industrial timber landowner's
11 group;

12 (iii) A landowner representative from the small forest landowner
13 advisory committee established in RCW 76.13.110;

14 (iv) A representative of a college within a state university that
15 specializes in forestry or natural resources science;

16 (v) A representative of an environmental organization;

17 (vi) A representative of a county that has within its borders
18 state-owned forest lands that are known to suffer from the forest
19 health deficiencies enumerated in section 1 of this act;

20 (vii) A representative of the Washington state department of fish
21 and wildlife;

22 (viii) A forest hydrologist, an entomologist, and a fire ecologist,
23 if available;

24 (ix) A representative of the governor appointed by the governor;
25 and

26 (x) A representative of a professional forestry organization.

27 (b) In addition to the membership of the work group outlined in
28 this section, the commissioner of public lands shall also invite the
29 full and equal participation of:

30 (i) A representative of a tribal government located in a region of
31 the state where the forest health issues enumerated in section 1 of
32 this act are present; and

33 (ii) A representative of both the United States forest service and
34 the United States fish and wildlife service stationed to work primarily
35 in Washington.

36 (3) The work group shall:

37 (a) Determine whether the goals and requirements of chapter 76.06
38 RCW are being met with regard to the identification, designation, and
39 reduction of significant forest insect and disease threats to public

1 and private forest resources, and whether the provisions of chapter
2 76.06 RCW are the most effective and appropriate way to address forest
3 health issues;

4 (b) Study what incentives could be used to assist landowners with
5 the costs of creating and maintaining forest health;

6 (c) Identify opportunities and barriers for improved prevention of
7 losses of public and private resources to forest insects, diseases,
8 wind, and fire;

9 (d) Assist the commissioner in developing a strategic plan under
10 section 3 of this act for increasing forest resistance and resilience
11 to forest insects, disease, wind, and fire in Washington;

12 (e) Develop funding alternatives for consideration by the
13 legislature;

14 (f) Explore possible opportunities for the state to enter into
15 cooperative agreements with the federal government, or other avenues
16 for the state to provide input on the management of federally owned
17 land in Washington;

18 (g) Develop recommendations for the proper treatment of infested
19 and fire and wind damaged forests on public and private lands within
20 the context of working with interdisciplinary teams under the forest
21 practices act to ensure that forest health is achieved with the
22 protection of fish, wildlife, and other public resources;

23 (h) Analyze the state noxious weed control statutes and procedures
24 (chapter 17.10 RCW) and the extreme hazard regulations adopted under
25 the forest protection laws, to determine if the policies and procedures
26 of these laws are applicable, or could serve as a model to support
27 improved forest health; and

28 (i) Recommend whether the work group should be extended beyond the
29 time that the required report has been submitted.

30 (4) The work group shall submit to the department of natural
31 resources and the appropriate standing committees of the legislature,
32 no later than December 30, 2004, its findings and recommendations for
33 legislation that is necessary to implement the findings.

34 (5) The department of natural resources shall provide technical and
35 staff support from existing staff for the work group created by this
36 section.

37 (6) This section expires June 30, 2005.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 79.15 RCW
2 to read as follows:

3 (1) The legislature intends to ensure, to the extent feasible given
4 all applicable trust responsibilities, that trust beneficiaries receive
5 long-term income from timber lands through improved forest conditions
6 and by reducing the threat of forest fire to state trust forest lands.

7 (2) In order to implement the intent of subsection (1) of this
8 section, the department may initiate contract harvesting timber sales,
9 or other silvicultural treatments when appropriate, in specific areas
10 of state trust forest land where the department has identified forest
11 health deficiencies as enumerated in section 1 of this act. All
12 harvesting or silvicultural treatments applied under this section must
13 be tailored to improve the health of the specific stand, must be
14 consistent with any applicable state forest plans and other management
15 agreements, and must comply with all applicable state and federal laws
16 and regulations regarding the harvest of timber by the department of
17 natural resources.

18 (3) In utilizing contract harvesting to address forest health
19 issues as outlined in this section, the department shall give priority
20 to silvicultural treatments that assist the department in meeting
21 forest health strategies included in any management or landscape plans
22 that exist for state forests.

23 **Sec. 6.** RCW 79.15.510 and 2003 c 313 s 3 are each amended to read
24 as follows:

25 (1) The department may establish a contract harvesting program
26 (~~by~~) for directly contracting for the removal of timber and other
27 valuable materials from state lands and for conducting silvicultural
28 treatments consistent with section 5 of this act.

29 (2) The contract requirements must be compatible with the office of
30 financial management's guide to public service contracts.

31 (3) The department may not use contract harvesting for more than
32 ten percent of the total annual volume of timber offered for sale.
33 However, volume removed primarily to address an identified forest
34 health issue under section 5 of this act may not be included in
35 calculating the ten percent annual limit of contract harvesting sales.

36 **Sec. 7.** RCW 79.15.520 and 2003 c 313 s 4 are each amended to read
37 as follows:

1 (1) The contract harvesting revolving account is created in the
2 custody of the state treasurer. All receipts from the gross proceeds
3 of the sale of logs from a contract harvesting sale must be deposited
4 into the account. Expenditures from the account may be used only for
5 the payment of harvesting costs incurred on contract harvesting sales
6 and for payment of costs incurred from silvicultural treatments
7 necessary to improve forest health conducted under section 5 of this
8 act. Only the commissioner or the commissioner's designee may
9 authorize expenditures from the account. The board of natural
10 resources has oversight of the account, and the commissioner must
11 periodically report to the board of natural resources as to the status
12 of the account, its disbursement, and receipts. The account is subject
13 to allotment procedures under chapter 43.88 RCW, but an appropriation
14 is not required for expenditures.

15 (2) When the logs from a contract harvesting sale are sold, the
16 gross proceeds must be deposited into the contract harvesting revolving
17 account. Moneys equal to the harvesting costs must be retained in the
18 account and be deducted from the gross proceeds to determine the net
19 proceeds. The net proceeds from the sale of the logs must be
20 distributed in accordance with RCW ((~~43.85.130~~)) 43.30.325(1)(b). The
21 final receipt of gross proceeds on a contract harvesting sale must be
22 retained in the contract harvesting revolving account until all
23 required costs for that sale have been paid. The contract harvesting
24 revolving account is an interest-bearing account and the interest must
25 be credited to the account. The account balance may not exceed one
26 million dollars at the end of each fiscal year. Moneys in excess of
27 one million dollars must be disbursed according to RCW ((~~76.12.030,~~
28 ~~76.12.120~~)) 79.22.040, 79.22.050, and 79.64.040. If the department
29 permanently discontinues the use of contract harvesting sales, any sums
30 remaining in the contract harvesting revolving account must be returned
31 to the resource management cost account and the forest development
32 account in proportion to each account's contribution to the initial
33 balance of the contract harvesting revolving account.

34 **Sec. 8.** RCW 79.15.500 and 2003 c 313 s 2 are each amended to read
35 as follows:

36 The definitions in this section apply throughout ((~~this chapter~~))
37 RCW 79.15.500 through 79.15.530 and section 5 of this act unless the
38 context clearly requires otherwise.

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

2 (2) "Contract harvesting" means a timber operation occurring on
3 state forest lands, in which the department contracts with a firm or
4 individual to perform all the necessary harvesting work to process
5 trees into logs sorted by department specifications. The department
6 then sells the individual log sorts.

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

8 (4) "Harvesting costs" are those expenses related to the production
9 of log sorts from a stand of timber. These expenses typically involve
10 road building, labor for felling, bucking, and yarding, as well as the
11 transporting of sorted logs to the forest product purchasers.

12 (5) "Net proceeds" means gross proceeds from a contract harvesting
13 sale less harvesting costs.

14 (6) "Silvicultural treatment" means any vegetative or other
15 treatment applied to a managed forest to improve the conditions of the
16 stand, and may include harvesting, thinning, prescribed burning, and
17 pruning.

18 **Sec. 9.** 2003 c 313 s 13 (uncodified) is amended to read as
19 follows:

20 By December 31, 2006, the department of natural resources must
21 provide a report to the appropriate committees of the legislature
22 ~~((concerning))~~ that provides:

23 (1) An accounting of the costs and effectiveness of the contract
24 harvesting program; and

25 (2) A summary of sales carried out under the contract harvesting
26 program primarily for silvicultural treatments that are permitted under
27 section 5 of this act. ~~((The report must be submitted by December 31,~~
28 ~~2006.))~~

29 NEW SECTION. **Sec. 10.** Sections 5 through 8 of this act are
30 intended to provide interim tools to the department of natural
31 resources to address forest health issues on state land prior to the
32 completion of the assignment given to the work group in section 4 of
33 this act. As such, sections 5 through 8 of this act expire December
34 31, 2007.

35 NEW SECTION. **Sec. 11.** This act is necessary for the immediate

1 preservation of the public peace, health, or safety, or support of the
2 state government and its existing public institutions, and takes effect
3 immediately."

4 Correct the title.

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