

HOUSE BILL REPORT

2SSB 6144

As Passed House - Amended:

March 10, 2004

Title: An act relating to opportunities and strategies for improving forest health in Washington.

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

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

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/20/04, 2/27/04 [DPA];
Appropriations: 3/1/04 [DPA(AGNR)].

Floor Activity:

Passed House - Amended: 3/10/04, 96-0.

Brief Summary of Second Substitute Bill (As Amended by House)

- Designates the Commissioner of Public Lands as the state's lead for working with the federal government on forest health issues.
- Creates a stakeholder work group to study forest issues and assist the Commissioner of Public Lands with the development of a statewide forest health plan.
- Allows the Department of Natural Resources to use its contract harvesting program for silvicultural treatments.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 11 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

Staff: Jason Callahan (786-7117).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Agriculture & Natural Resources. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Ruderman, Schual-Berke, Sump and Talcott.

Staff: Alicia Paatsch (786-7178).

Background:

Forest Health Today

The Legislature declared in 1951 that forest insects and forest tree diseases that threaten permanent timber production in Washington are public nuisances. 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.

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.

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.

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. 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.

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 a 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 Amended Bill:

Contract Harvesting Pilot Project

The DNR is given temporary authority to use its contract harvesting program to conduct silvicultural treatments in specific areas of state forest land where health deficiencies have been identified. All treatments must be tailored to improve the health of the forest stand, and must be in accordance with all applicable forest health plans, laws, and other agreements. When planning for silvicultural treatments, the DNR is instructed to give priority to fulfilling existing forest plans.

All contract harvesting operations that are conducted primarily for forest health are exempt from the annual 10 percent cap on contract harvesting sales.

Authority to use the contract harvesting program for silviculture expires in 2007. In 2006, the DNR must report to the Legislature a summary of silvicultural operations carried out using contract harvesting.

State Advocacy

The Commissioner of Public Lands (Commissioner) is designated as the state's lead for forest health issues. As such, the Commissioner is expected to promote communications between the state and the federal government, and to use available avenues to influence federal decisions that could impact forest health in Washington. These avenues can include, when deemed by the Commissioner to be in the best interest of the state, appearing before federal agencies, developing formal comments on federal forest management plans, and pursuing cooperative agreements with the United States Forest Service.

Work Group

A work group is created to study opportunities to improve forest health and to aid the Commissioner with the development of a statewide plan for forest health. The work group's participants will generally be appointed by the Commissioner, and will include up to 15 individuals with knowledge in forests, forest ecology, or forest health.

Recommendations and findings are due to the Legislature and the Board of Natural Resources by December 30, 2004. Directions to the work group include:

- Evaluating the current forest health laws and other state laws that may be used as

- models for future forest health legislation;
- Studying incentives for landowners to maintain forest health;
- Developing recommendations for the proper treatment of damaged timber; and
- Recommending if the work group should be extended.

Section 4 of this act expires on June 30, 2005. Sections 5 through 8 of this act expire December 31, 2007.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Agriculture & Natural Resources) Forest health is a major looming crisis in eastern Washington and is a policy issue that the state must address proactively. The Loomis State Forest is so threatened that it needed a health management plan, but the basic conditions of the forest are only growing worse. A framework must be established for addressing forest health issues. Douglas fir bark beetle and other pests are spreading rapidly, and private landowners cannot address the problems themselves if their public neighbors do not act as well. Eastern Washington has large numbers of acres in federal ownership, and the state should use any tool it has available to influence federal land management decisions. If the state does not address the problem, nature will in the form of a catastrophic fire.

The DNR will be able to use the contract harvesting program to remove salvage wood and to do thinnings that would be uneconomical under the standard timber harvesting program that the DNR operates. Removing the 10 percent cap on contracted timber harvests would encourage the DNR to use the contract harvesting program for silviculture. Conducting a pilot project will demonstrate that a philosophical shift in the traditional sale program can be effective.

The existing laws on forest health are 50 years old and out of date. A stakeholder work group is the proper approach for assisting the Commissioner with the development of a new approach, and its membership has been carefully tailored in the bill to ensure that the work it is assigned can be accomplished in a timely manner. There is a disagreement about the proper role of the state in the maintenance of forest health, but the Commissioner should take the lead state role.

Testimony For: (Appropriations) This bill brings together the entities necessary to address forest health issues. Poor forest health can cause forest fires which take away funding from the schools that these forests support. We're at epidemic levels of disease and infestation. We support the bill as amended and the money invested will save money

in the long term by restoring stand conditions and avoiding fire suppression and habitat rehabilitation costs. Contract harvesting will provide more jobs were they are needed in Washington.

Testimony Against: (Agriculture & Natural Resources) Engaging the Federal government on a regular basis will take a good deal of staff time for many years, and will likely have a very minimal impact on federal decisions. If the Legislature wants the DNR to commit to this, then there needs to be accompanying funding.

The deadlines for the work group and the statewide forest plan are too short. Accomplishing all that this bill suggests would take the staff away from other tasks the DNR and Forest Practices Board has committed to completing this year.

The bill creates a work group, but then prejudges the results that the work group will come up with. This scenario ensures that the work group will only come up with one answer. If the work group is to be a success, it should have a more balanced representation of interests. A balanced work group will allow more interests to support its final product.

The Loomis State Forest does not provide as urgent a situation as other state forests managed by the DNR. The landholdings around the Loomis are generally not managed for timber, or were all recently logged. The Loomis State Forest already has a health management plan that calls for a decade of aggressive logging, and nothing should be done outside of that plan. Since there is not a chip market in northeast Washington, small trees that are thinned out of the Loomis would have to just remain on the ground, creating even a greater fire hazard.

This bill is modeled after the federal legislation, but it lacks the safeguards and standards put into the law by Congress. The state should not create a law that has less safeguards than its federal counterpart.

Testimony Against: (Appropriations) None.

Persons Testifying: (Agriculture & Natural Resources) (In support) Bruce Mackey, Washington State Department of Natural Resources; Chuck Lorenz, Washington State Society of American Foresters; Peter Heide, Washington Forest Protection Association; Maurice Williamson Washington Farm Forestry Association; Tim Boyd, Vaagen Brothers Lumber; Tom Davis, Washington State Department of Fish and Wildlife; and Jim Jesernig, Washington Association of Conservation Districts.

(In support with concerns) Pat McElroy, Washington State Department of Natural Resources; and Bill Robinson, The Nature Conservancy.

(Opposed) Mike Ryherd, Mark Skatrud, and Barbara Swanson, Northwest Ecosystems

Alliance.

Persons Testifying: (Appropriations) (In support) Pat McElroy, DNR; Tim Boyd, Vaagen Brothers Lumber; and Senator Morton, prime sponsor.

(Concerns) Mark Skatrud, NW Eco Systems Alliance; and Mike Ryherd, NW Eco Systems Alliance.

Persons Signed In To Testify But Not Testifying: (Agriculture & Natural Resources) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.