
HOUSE BILL 3125

State of Washington

58th Legislature

2004 Regular Session

By Representatives McMorris, Linville, Schoesler and Sump

Read first time 01/28/2004. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to opportunities and strategies for improving
2 forest health in Washington; amending RCW 76.04.630; adding new
3 sections to chapter 79.10 RCW; creating new sections; making
4 appropriations; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature requires that the
7 commissioner and the department develop and pursue approval of
8 cooperative agreements with the United States forest service and the
9 United States bureau of land management using Title 1 of the national
10 environmental policy act of 1969, as amended, specifically using
11 sections 101, 102, 103, 104, and 105. The purpose of these agreements
12 is to enable the department to effectively participate in land
13 management plans that could affect the department's strategic plan for
14 healthy forests and effective fire prevention and suppression. Such
15 government-to-government cooperation is vital if the condition of the
16 state's public and private forest lands are to be protected. The
17 commissioner shall report to the chairs of the house of representatives
18 and senate natural resources committees every six months on progress
19 under this section.

1 NEW SECTION. **Sec. 2.** The commissioner is designated the state of
2 Washington's lead for all forest health issues. The commissioner,
3 working with the state forester and the department, must vigorously
4 represent the state's interest before all local, state, and federal
5 agencies and must develop formal comments on federal forest management
6 plans and activities. The commissioner must annually report to the
7 legislature on needed statutory changes, policy issues, and funding
8 needs.

9 NEW SECTION. **Sec. 3.** (1) The commissioner of public lands, as the
10 legislatively designated lead for forest health issues, must develop a
11 statewide plan to address forest health on both public and private
12 lands. As part of this process, the state forester, with assistance
13 from the department of natural resources, must analyze the state
14 noxious weed control statutes and procedures and the extreme hazard
15 regulations adopted under the forest practices act to develop
16 legislative recommendations by November 1, 2004, to establish a similar
17 system to allow control and appropriate billing for those government
18 landowners who fail to address forest health issues on public lands.

19 (2) The department of natural resources, working with the forest
20 practices board, must develop statutory and policy recommendations for
21 the legislature by November 1, 2004. The purpose of the
22 recommendations is to greatly expedite the salvage of timber from
23 disease infested and fire and wind damaged forests on public and
24 private lands.

25 NEW SECTION. **Sec. 4.** (1) The legislature finds that Washington
26 faces serious forest health problems where forest land is overcrowded
27 with trees infested with or susceptible to insects, diseases, wind, and
28 fire. The causes and contributions to these susceptible conditions
29 include past timber harvesting practices that encouraged regeneration
30 of an overabundance of low vigor trees, fuel accumulation due to fire
31 suppression, increasingly complex land management and resource
32 protection goals, and the amplified risks that occur when the urban
33 interface penetrate forest land.

34 (2)(a) A work group is created to study opportunities to improve
35 the forest health issues enumerated in subsection (1) of this section

1 and to develop a strategic plan. The work group is comprised of the
2 following members, all appointed by the commissioner of public lands:

- 3 (i) The commissioner of public lands, who shall serve as chair;
- 4 (ii) A representative of a statewide industrial landowners group;
- 5 (iii) A representative of the governor;
- 6 (iv) A representative of a statewide association of small forest
7 landowners;
- 8 (v) A representative of the University of Washington college of
9 forest resources and a representative of the Washington State
10 University college of agriculture, human and natural resource sciences;
- 11 (vi) A representative of an environmental organization;
- 12 (vii) A representative from a county from east of the crest of the
13 Cascade mountains with extensive forested areas;
- 14 (viii) A representative from a county west of the Cascade mountains
15 with extensive forested areas;
- 16 (ix) A representative of the United States forest service east of
17 the Cascade mountains and a representative west of the Cascade
18 mountains;
- 19 (x) Tribal government representatives, one from east of the Cascade
20 mountains and one from west of the Cascade mountains;
- 21 (xi) A landowner representative from the small forest landowner
22 advisory committee established in RCW 76.13.110; and
- 23 (xii) Two representatives from professional forestry organizations.

24 (b) The work group shall:

- 25 (i) Determine whether the goals and requirements under chapter
26 76.06 RCW are being met with regard to the identification, designation,
27 and reduction of significant forest insect and disease threats to
28 public and private forest resources;
- 29 (ii) Consider how state, federal, and private forest landowners
30 could be regulated with respect to forest health condition standards;
- 31 (iii) Identify opportunities and barriers for improved prevention
32 of losses of public and private resources to forest insects, diseases,
33 wind, and fire;
- 34 (iv) Develop a strategic plan for increasing forest resistance and
35 resilience to forest insects, disease, wind, and fire in Washington;
- 36 (v) No later than October 15, 2004, prepare and submit to the
37 legislature its findings and legislation necessary to implement the
38 program; and

1 (vi) Develop funding alternatives for consideration by the
2 legislature.

3 (3) The department of natural resources shall provide technical and
4 staff support for the work group from existing staff.

5 NEW SECTION. **Sec. 5.** Funding for the requirements of sections 3
6 and 4 of this act shall come from the landowner contingency forest fire
7 suppression account, the resource management cost account, and the
8 forest development account with the division of withdrawal determined
9 by the commissioner of public lands and the legislature. The
10 commissioner of public lands must also seek additional private and
11 government funding for the forest health program.

12 **Sec. 6.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
13 as follows:

14 There is created a landowner contingency forest fire suppression
15 account in the state treasury. Moneys in the account may be spent only
16 as provided in this section. Disbursements from the account shall be
17 on authorization of the commissioner of public lands or the
18 commissioner's designee. The account is subject to the allotment
19 procedure provided under chapter 43.88 RCW, but no appropriation is
20 required for disbursements.

21 The department may expend from this account the amounts as may be
22 available and as it considers appropriate for the payment of emergency
23 fire costs resulting from a participating landowner fire. The
24 department may, when moneys are available from the landowner
25 contingency forest fire suppression account, expend moneys for
26 summarily abating, isolating, or reducing an extreme fire hazard under
27 RCW 76.04.660. The department may also expend money from the account
28 for forest health improvement activities. All moneys recovered as a
29 result of the department's actions, from the owner or person
30 responsible, under RCW 76.04.660 shall be deposited in the landowner
31 contingency forest fire suppression account.

32 When a determination is made that the fire was started by other
33 than a landowner operation, moneys expended from this account in the
34 suppression of such fire shall be recovered from the general fund
35 appropriations as may be available for emergency fire suppression

1 costs. The department shall deposit in the landowner contingency
2 forest fire suppression account moneys paid out of the account which
3 are later recovered, less reasonable costs of recovery.

4 This account shall be established and renewed by an annual special
5 forest fire suppression account assessment paid by participating
6 landowners at a rate to be established by the department. In
7 establishing assessments, the department shall seek to establish and
8 thereafter reestablish a balance in the account of three million
9 dollars. The department may establish a flat fee assessment of no more
10 than seven dollars and fifty cents for participating landowners owning
11 parcels of fifty acres or less. For participating landowners owning
12 parcels larger than fifty acres, the department may charge the flat fee
13 assessment plus a per acre assessment for every acre over fifty acres.
14 The per acre assessment established by the department may not exceed
15 fifteen cents per acre per year. The assessments may differ to
16 equitably distribute the assessment based on emergency fire suppression
17 cost experience necessitated by landowner operations. Amounts assessed
18 for this account shall be a lien upon the forest lands with respect to
19 which the assessment is made and may be collected as directed by the
20 department in the same manner as forest protection assessments.
21 Payment of emergency costs from this account shall in no way restrict
22 the right of the department to recover costs pursuant to RCW 76.04.495
23 or other laws.

24 When the department determines that a forest fire was started in
25 the course of or as a result of a landowner operation, it shall notify
26 the forest fire advisory board of the determination. The determination
27 shall be final, unless, within ninety days of the notification, the
28 forest fire advisory board or an interested party serves a request for
29 a hearing before the department. The hearing shall constitute an
30 adjudicative proceeding under chapter 34.05 RCW, the administrative
31 procedure act, and an appeal shall be in accordance with RCW 34.05.510
32 through 34.05.598.

33 NEW SECTION. **Sec. 7.** (1) The legislature intends, by authorizing
34 the pilot project in subsection (2) of this section, to ensure that
35 trust beneficiaries receive long-term income from timber lands through
36 improved forest conditions and by reducing the threat of forest fire to
37 state trust forest lands.

1 (2) The department of natural resources shall initiate a pilot
2 project in the Loomis state forest in 2004 to explore the use of
3 stewardship contracts similar to those used by the United States forest
4 service. The contracts must be used to restore healthy timber stocking
5 levels and timber stand conditions on state trust lands. The pilot
6 project must encompass at least five thousand acres which must be
7 representative of the larger conditions in the Loomis state forest.
8 The purpose of the pilot project is to achieve a healthy forest stand
9 condition consistent with the existing Loomis state forest plan. Costs
10 or revenues associated with the contract for this pilot project must be
11 assigned to the trust ownership involved.

12 NEW SECTION. **Sec. 8.** Sections 1 and 2 of this act are each added
13 to chapter 79.10 RCW under the subchapter heading "cooperative forest
14 management agreements."

15 NEW SECTION. **Sec. 9.** The sum of fifty thousand dollars, or as
16 much thereof as may be necessary, is appropriated for the biennium
17 ending June 30, 2005, from the forest development account to the
18 department of natural resources for the purposes of this act.

19 NEW SECTION. **Sec. 10.** The sum of fifty thousand dollars, or as
20 much thereof as may be necessary, is appropriated for the biennium
21 ending June 30, 2005, from the landowner contingency forest fire
22 suppression account to the department of natural resources for the
23 purposes of this act.

24 NEW SECTION. **Sec. 11.** The sum of fifty thousand dollars, or as
25 much thereof as may be necessary, is appropriated for the biennium
26 ending June 30, 2005, from the resource management cost account to the
27 department of natural resources for the purposes of this act.

28 NEW SECTION. **Sec. 12.** The sum of fifty thousand dollars, or as
29 much thereof as may be necessary, is appropriated for the fiscal year
30 ending June 30, 2005, from the general fund to the department of
31 natural resources for the purposes of this act.

1 NEW SECTION. **Sec. 13.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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