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**SUBSTITUTE SENATE BILL 6144**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton and Deccio)

READ FIRST TIME 02/06/04.

1       AN ACT Relating to opportunities and strategies for improving  
2 forest health in Washington; amending RCW 79.15.510 and 79.15.520;  
3 adding new 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 finds that Washington faces  
7 serious forest health problems where forest land is overcrowded with  
8 trees infested with or susceptible to insects, diseases, wind, ice  
9 storms, and fire. The causes and contributions to these susceptible  
10 conditions include past timber harvesting practices that encouraged  
11 regeneration of an overabundance of low vigor trees, fire suppression,  
12 increasingly complex land management and resource protection goals, and  
13 the amplified risks that occur when the urban interface penetrate  
14 forest land.

15       NEW SECTION. **Sec. 2.** The legislature requires that the  
16 commissioner and the department develop and pursue cooperative  
17 agreements with the United States forest service and the United States  
18 bureau of land management using all available means including Title 1

1 of the national environmental policy act of 1969, as amended, following  
2 the cooperative philosophy embodied in sections 101, 102, 103, 104, and  
3 105. The purpose of these agreements is to enable the department to  
4 effectively participate in land management plans that could affect the  
5 department's strategic plan for healthy forests and effective fire  
6 prevention and suppression. Such government-to-government cooperation  
7 is vital if the condition of the state's public and private forest  
8 lands are to be protected. The commissioner shall report to the chairs  
9 of the house of representatives and senate natural resources committees  
10 every year on progress under this section.

11 NEW SECTION. **Sec. 3.** The commissioner is designated the state of  
12 Washington's lead for all forest health issues. The commissioner,  
13 working with the department, must vigorously represent the state's  
14 interest before all local, state, and federal agencies and must develop  
15 formal comments on federal forest management plans and activities. The  
16 commissioner must annually report to the legislature on needed  
17 statutory changes, policy issues, and funding needs.

18 NEW SECTION. **Sec. 4.** (1) The commissioner of public lands, as the  
19 legislatively designated lead for forest health issues, must develop a  
20 statewide plan to address forest health on both public and private  
21 lands.

22 (2) The department of natural resources, working with the forest  
23 practices board, must develop statutory and policy recommendations for  
24 the legislature by November 1, 2004. The purpose of the  
25 recommendations is to greatly expedite the salvage of timber from  
26 disease infested and fire and wind damaged forests on public and  
27 private lands and to make these recommendations in the context of  
28 working with interdisciplinary teams under the forest practices act to  
29 ensure that forest health is achieved with protection of fish,  
30 wildlife, and other public resources.

31 NEW SECTION. **Sec. 5.** (1)(a) A work group is created to study  
32 opportunities to improve the forest health issues enumerated in section  
33 1 of this act and to help the commissioner of public lands develop a  
34 strategic plan. The work group is comprised of the following members

1 who must be selected on the basis of their knowledge of forests and  
2 forest health issues in Washington, all appointed by the commissioner  
3 of public lands:

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

6 (ii) A representative of a statewide industrial timber landowners  
7 group;

8 (iii) A representative of the Washington farm forestry association;

9 (iv) A representative of the University of Washington college of  
10 forest resources and a representative of the Washington State  
11 University college of agriculture, human and natural resource sciences;

12 (v) A representative of an environmental organization;

13 (vi) A representative of a county from east of the crest of the  
14 Cascade mountains with extensive forested areas;

15 (vii) A representative of a county west of the Cascade mountains  
16 with extensive forested areas;

17 (viii) A representative of the United States forest service east of  
18 the Cascade mountains and a representative west of the Cascade  
19 mountains shall be asked to participate in the work group;

20 (ix) Tribal government representatives, one from east of the  
21 Cascade mountains and one from west of the Cascade mountains;

22 (x) A landowner representative from the small forest landowner  
23 advisory committee established in RCW 76.13.110;

24 (xi) Two representatives from professional forestry organizations;

25 (xii) A representative of the governor appointed by the governor;

26 and

27 (xiii) A representative of the Washington State University  
28 extension energy program;

29 (b) The work group shall:

30 (i) Determine whether the goals and requirements under chapter  
31 76.06 RCW are being met with regard to the identification, designation,  
32 and reduction of significant forest insect and disease threats to  
33 public and private forest resources;

34 (ii) Study what incentives could be used to assist landowners with  
35 the costs of creating and maintaining forest health;

36 (iii) Consider how state, federal, and private forest landowners  
37 could be regulated and forest health monitored with respect to forest  
38 health condition standards;

1 (iv) Identify opportunities and barriers for improved prevention of  
2 losses of public and private resources to forest insects, diseases,  
3 wind, and fire;

4 (v) Assist the commissioner in developing a strategic plan for  
5 increasing forest resistance and resilience to forest insects, disease,  
6 wind, and fire in Washington;

7 (vi) No later than December 30, 2004, prepare and submit to the  
8 legislature its findings and legislation necessary to implement the  
9 program; and

10 (vii) Develop funding alternatives for consideration by the  
11 legislature.

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

14 (3) As part of this process, the department of natural resources  
15 must analyze the state noxious weed control statutes and procedures and  
16 the extreme hazard regulations adopted under the forest protection laws  
17 to develop legislative recommendations by December 30, 2004, to  
18 establish a similar system to allow control and appropriate billing for  
19 all landowners who fail to address forest health issues on their lands.

20 NEW SECTION. **Sec. 6.** Funding for the requirements of this act  
21 shall come from the landowner contingency forest fire suppression  
22 account, the resource management cost account, the general fund, and  
23 the forest development account with the division of withdrawal  
24 determined by the commissioner of public lands and the office of  
25 financial management. The commissioner of public lands must also seek  
26 additional private and government funding for the forest health  
27 program.

28 NEW SECTION. **Sec. 7.** (1) The legislature intends to ensure that  
29 trust beneficiaries receive long-term income from timber lands through  
30 improved forest conditions and by reducing the threat of forest fire to  
31 state trust forest lands.

32 (2) In order to implement the intent of subsection (1) of this  
33 section, the department of natural resources shall initiate contract  
34 harvesting timber sales in Loomis state forest. The contracts must be  
35 used to restore healthy timber stocking levels and timber stand  
36 conditions on state trust lands. The timber sale contracts must

1 encompass at least five thousand acres which must be representative of  
2 the larger conditions in the Loomis state forest. The purpose of the  
3 timber sale contracts is to achieve a healthy forest stand condition  
4 consistent with the existing Loomis state forest plan.

5 **Sec. 8.** RCW 79.15.510 and 2003 c 313 s 3 are each amended to read  
6 as follows:

7 (1) The department may establish a contract harvesting program by  
8 directly contracting for the removal of timber and other valuable  
9 materials from state lands. The department may also use contract  
10 harvesting to implement silvicultural treatments necessary to improve  
11 forest health.

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

14 (3) ~~((The department may not use contract harvesting for more than~~  
15 ~~ten percent of the total annual volume of timber offered for sale.))~~  
16 The board shall periodically determine the total annual volume of  
17 timber to be offered by the department for sale through contract  
18 harvesting.

19 **Sec. 9.** RCW 79.15.520 and 2003 c 313 s 4 are each amended to read  
20 as follows:

21 The contract harvesting revolving account is created in the custody  
22 of the state treasurer. All receipts from the gross proceeds of the  
23 sale of logs from a contract harvesting sale must be deposited into the  
24 account. Expenditures from the account may be used only for the  
25 payment of harvesting costs incurred on contract harvesting sales and  
26 for payment of costs incurred from silvicultural treatments necessary  
27 to improve forest health. Only the commissioner or the commissioner's  
28 designee may authorize expenditures from the account. The board of  
29 natural resources has oversight of the account, and the commissioner  
30 must periodically report to the board of natural resources as to the  
31 status of the account, its disbursement, and receipts. The account is  
32 subject to allotment procedures under chapter 43.88 RCW, but an  
33 appropriation is not required for expenditures.

34 When the logs from a contract harvesting sale are sold, the gross  
35 proceeds must be deposited into the contract harvesting revolving  
36 account. Moneys equal to the harvesting costs must be retained in the

1 account and be deducted from the gross proceeds to determine the net  
2 proceeds. The net proceeds from the sale of the logs must be  
3 distributed in accordance with RCW ((~~43.85.130~~)) 43.30.325(1)(b). The  
4 final receipt of gross proceeds on a contract harvesting sale must be  
5 retained in the contract harvesting revolving account until all  
6 required costs for that sale have been paid. The contract harvesting  
7 revolving account is an interest-bearing account and the interest must  
8 be credited to the account. The account balance may not exceed one  
9 million dollars at the end of each fiscal year. Moneys in excess of  
10 one million dollars must be disbursed according to RCW ((~~76.12.030,~~  
11 ~~76.12.120~~)) 79.22.040, 79.22.050, and 79.64.040. If the department  
12 permanently discontinues the use of contract harvesting sales, any sums  
13 remaining in the contract harvesting revolving account must be returned  
14 to the resource management cost account and the forest development  
15 account in proportion to each account's contribution to the initial  
16 balance of the contract harvesting revolving account.

17 NEW SECTION. **Sec. 10.** Sections 2 and 3 of this act are each added  
18 to chapter 79.10 RCW under the subchapter heading "cooperative forest  
19 management agreements."

20 NEW SECTION. **Sec. 11.** The sum of fifty thousand dollars, or as  
21 much thereof as may be necessary, is appropriated for the biennium  
22 ending June 30, 2005, from the forest development account to the  
23 department of natural resources for the purposes of this act.

24 NEW SECTION. **Sec. 12.** 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 landowner contingency forest fire  
27 suppression account to the department of natural resources for the  
28 purposes of this act.

29 NEW SECTION. **Sec. 13.** The sum of fifty thousand dollars, or as  
30 much thereof as may be necessary, is appropriated for the biennium  
31 ending June 30, 2005, from the resource management cost account to the  
32 department of natural resources for the purposes of this act.

1        NEW SECTION.    **Sec. 14.**    The sum of fifty thousand dollars, or as  
2 much thereof as may be necessary, is appropriated for the fiscal year  
3 ending June 30, 2005, from the general fund to the department of  
4 natural resources for the purposes of this act.

5        NEW SECTION.    **Sec. 15.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and takes effect  
8 immediately.

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