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**Rural Development, Agriculture &  
Natural Resources Committee**

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**HB 1168**

**Brief Description:** Concerning long-term forest health and the reduction of wildfire dangers.

**Sponsors:** Representatives Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent and Klicker.

**Brief Summary of Bill**

- Requires the Department of Natural Resources (DNR) to develop a mapping tool within the Forest Health Assessment and Treatment Framework (Framework).
- Specifies ways in which the DNR must coordinate with various entities in developing and implementing the Framework.
- Directs the DNR to work with the Department of Commerce to implement initiatives to develop a forest health work force, and work with the Department of Corrections to expand existing programs to provide additional wildfire, forest health, and silvicultural capacity.
- Creates the Wildfire Response, Forest Restoration, and Community Resilience Account (Account) to fund certain wildfire preparedness, prevention, and protection activities and requires the DNR to report every two years on how Account funds are used.
- Makes changes to the government-to-government coordination role of the Commissioner of Public Lands.

**Hearing Date:** 1/22/21

**Staff:** Rebecca Lewis (786-7339).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

### The Department of Natural Resources.

The Department of Natural Resources (DNR) has direct charge and responsibility over all matters pertaining to forest fire services in the state. The forest fire-related duties of the DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing fire suppression efforts. In 2007 the Legislature designated the DNR as the state lead in developing a comprehensive forest health program for the state. As part of that designation, the DNR was directed to gather and disseminate forest health information, to coordinate forest health monitoring activities, and to coordinate with universities and other agencies to provide landowners with technical assistance regarding forest health.

### *Forest Health Assessment and Treatment Framework (RCW 76.06.200).*

In 2017 the DNR established the Forest Health Assessment and Treatment Framework (Framework) at the direction of the Legislature. The Framework has three components: assessment, treatment, and progress review and reporting. The purpose of the Framework is to proactively and systematically address forest health issues facing the state. The DNR must use the Framework to assess and treat fire prone lands each biennium, with a goal of assessing and treating 1 million acres of land by 2033. In developing and implementing the Framework, the DNR must use and build on the 20-year forest health strategic planning initiated at the direction of the Legislature in 2016.

### *Forest Health Advisory Committee.*

In 2017 the DNR established the Forest Health Advisory Committee (Committee) to assist in developing and implementing the Framework. The Committee may include representation from a variety of forest health stakeholder groups, including forest landowners, wildland fire response organizations, conservation groups, and local communities. The Committee may consult with federal agencies and with local, state, and tribal governments.

### *Wildland Fire Advisory Committee.*

The Wildland Fire Advisory Committee (Advisory Committee) was created in 2015. The Advisory Committee advises the Commissioner of Public Lands (Commissioner) on all matters related to wildland firefighting in the state. This includes developing strategies to enhance the safe and effective use of private and public wildland firefighting resources.

### The Commissioner of Public Lands.

The Commissioner is designated as the state's lead for all forest health issues and is responsible for promoting government-to-government communications between the state and federal government on forest land management decisions. Each year, the Commissioner must provide a

progress report to the Legislature on their coordination responsibility and any recommended statutory changes, policy issues, or funding needs.

#### Good Neighbor Agreements.

The United States Congress first authorized a Good Neighbor pilot program in 2000 between the United States Forest Service (USFS) and the Colorado State Forest Service. Since that time, the Good Neighbor Authority Program has expanded to include the Bureau of Land Management (BLM) in addition to the USFS, and to encompass all 50 states and Puerto Rico. Under Good Neighbor Authority agreements, state agencies are authorized to undertake a broad array of land management activities on USFS and BLM lands, including fuels management, and forest, range, and fisheries habitat restoration.

#### Tribal Forest Protection Act of 2004.

The Tribal Forest Protection Act authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed stewardship, contracting, or other projects on USFS or BLM land bordering or adjacent to Indian trust land to protect the Indian trust resources from fire, disease, or other threat coming off of that USFS or BLM land.

### **Summary of Bill:**

#### The Department of Natural Resources.

##### *Forest Health Assessment Framework.*

Within the assessment element of the Forest Health Assessment and Treatment Framework, the Department of Natural Resources (DNR) must develop a mapping tool to identify small forestland owners within wildfire risk areas. The DNR must use the mapping tool to evaluate and optimize forest health work to reduce wildfire risk in high risk areas and leverage funding and landowner assistance programs with the greatest impact for wildfire prevention, preparedness, and response.

The DNR must take additional actions when developing and implementing the Forest Health Assessment and Treatment Framework. These actions include: (1) partnering with federally recognized tribes where possible to expand the use of the Tribal Forest Protection Act on certain federal lands; (2) prioritizing forest health treatments nearby or adjacent to state lands when entering into good neighbor agreements, to increase the speed, efficiency, and impact on the landscape; and (3) work with a variety of local entities and the Washington State University extension to develop an integrated small forestland owner assistance program for forest health activities.

The forestland owner assistance program must diversify landowner assistance programs, and integrate existing landowner assistance programs, to efficiently and effectively reach diverse

small forest landowners, distribute funding effectively to lower wildfire risk in high risk areas, increase education and outreach to small forestland owners, and identify and remove barriers to technical assistance, funding, and forest health management planning.

#### *Workforce Development.*

The DNR, jointly with the Department of Commerce (Commerce), and in consultation with centers for excellence, higher education, and workforce development centers, must develop and implement initiatives to develop a forest health workforce. This includes developing a plan for tracking, maintaining, and publicly reporting on specific items related to development of workforce initiatives including: a working definition of the forest sector workforce, training recommendations, identification of gaps and barriers to a full forest sector workforce pool; and any recommendations for addressing barriers or other needs to develop a forest sector workforce.

The DNR and the Department of Corrections (DOC) must jointly expand existing programs to provide additional wildfire, forest health, and silvicultural capacity, such as a post-release program to help formerly incarcerated individuals who have served on state fire response crews obtain employment in wildfire suppression and forest management.

The DNR must use existing programs, such as the Washington Conservation Corps, Washington Veterans Corps, or other similar programs to expand forest health workforce opportunities.

#### *Account and Reporting.*

The Wildfire Response, Forest Restoration, and Community Resilience Account (Account) is created. Funds in the Account may be spent only after appropriation and used only to monitor, track, and implement certain wildfire preparedness, prevention, and protection purposes. Funds in the account may not be used for emergency fire costs or suppression costs. Appropriations for forest health activities in the 2021-2023 biennium must not be less than \$25 million. The DNR may solicit recommendations on how to use funds in the account from the Forest Health Advisory Committee and the Wildland Fire Advisory Committee (Advisory Committees). The Advisory Committees must use environmental justice or equity focused tools to identify highly impacted communities when making recommendations for investments from the Account.

By December 1 of each odd-numbered year, the DNR must provide a report to the Governor and Legislature on: (1) the type, amount, and purpose of expenditures made from the Account by fiscal year; (2) the amount of unspent and unobligated funds in the account, and recommendations for disbursement to local districts; (3) progress on the implementation of the Wildland Fire Protection 10-year Strategic Plan; and (4) progress on the implementation of the 20-year Forest Health Strategic Plan. The DNR must also include any recommendations for adjustments to how Account funds are disbursed.

#### Duties of the Commissioner of Public Lands.

The government-to-government coordination responsibilities of the Commissioner of Public Lands (Commissioner) extend to communication and coordination with Tribes. Duties of the Commissioner are added to require the Commissioner to meet regularly with regional leadership of the United States Forest Service (USFS) to coordinate on:

1. identifying strategies to improve the delivery and increase the pace and scale of forest health and resiliency treatments on USFS lands;
2. documenting resources needed to increase the capacity available to the USFS;
3. identifying planning and implementation support to the USFS through cooperative agreements and good neighbor agreements; and
4. maximizing the use of efficiencies for compliance with the National Environmental Policy Act to increase the pace and scale of forest health treatments.

Instead of every year, the Commissioner must report to the Legislature every two years, and the report must include identification of any needed state or federal statutory changes, if deemed appropriate by the Commissioner, and an estimate of the acres of at-risk forests on each national forest and number of acres treated.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 2021.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.