

SSB 5144 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED AS AMENDED 4/16/03

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

3 "Sec. 1. RCW 76.06.010 and 1951 c 233 s 1 are each amended to read
4 as follows:

5 The legislature finds and declares that:

6 (1) Forest insects and forest tree diseases which threaten the
7 permanent timber production of the forested areas of the state of
8 Washington are ((hereby declared to be)) a public nuisance.

9 (2) Exotic forest insects or diseases, even in small numbers, can
10 constitute serious threats to native forests. Native tree species may
11 lack natural immunity. There are often no natural control agents such
12 as diseases, predators, or parasites to limit populations of exotic
13 forest insects or diseases. Exotic forest insects or diseases can also
14 outcompete, displace, or destroy habitat of native species. It is in
15 the public interest to identify, control, and eradicate outbreaks of
16 exotic forest insects or diseases that threaten the diversity,
17 abundance, and survivability of native forest trees and the
18 environment.

19 **Sec. 2.** RCW 76.06.020 and 2000 c 11 s 2 are each amended to read
20 as follows:

21 ~~((As used in))~~ The definitions in this section apply throughout
22 this chapter((+)) unless the context clearly requires otherwise.

23 (1) "Agent" means the recognized legal representative,
24 representatives, agent, or agents for any owner((+)).

25 (2) "Department" means the department of natural resources((+)).

26 (3) "Owner" means and includes ~~((individuals, partnerships,~~
27 ~~corporations, and associations;+))~~ persons or their agents.

28 (4) "Timber land" means any land on which there is a sufficient
29 number of trees, standing or down, to constitute, in the judgment of

1 the department, a forest insect or forest disease breeding ground of a
2 nature to constitute a menace, injurious and dangerous to permanent
3 forest growth in the district under consideration.

4 (5) "Commissioner" means the commissioner of public lands.

5 (6) "Exotic" means not native to forest lands in Washington state.

6 (7) "Forest land" means any land on which there are sufficient
7 numbers and distribution of trees and associated species to, in the
8 judgment of the department, contribute to the spread of forest insect
9 or forest disease outbreaks that could be injurious to forest health.

10 (8) "Forest health" means the condition of a forest being sound in
11 ecological function, sustainable, resilient, and resistant to insects,
12 diseases, fire, and other disturbance, and having the capacity to meet
13 landowner objectives.

14 (9) "Forest health emergency" means the introduction of, or an
15 outbreak of, an exotic forest insect or disease that poses an imminent
16 danger of damage to the environment by threatening the survivability of
17 native tree species.

18 (10) "Forest insect or disease" means a living stage of an insect,
19 other invertebrate animal, or disease-causing organism or agent that
20 can directly or indirectly injure or cause disease or damage in trees,
21 or parts of trees, or in processed or manufactured wood, or other
22 products of trees.

23 (11) "Integrated pest management" means a strategy that uses
24 various combinations of pest control methods, including biological,
25 cultural, and chemical methods, in a compatible manner to achieve
26 satisfactory control and ensure favorable economic and environmental
27 consequences.

28 (12) "Native" means having populated Washington's forested lands
29 prior to European settlement.

30 (13) "Outbreak" means a rapidly expanding population of insects or
31 diseases with potential to spread.

32 (14) "Person" means any individual, partnership, private, public,
33 or municipal corporation, county, federal, state, or local governmental
34 agency, tribes, or association of individuals of whatever nature.

35 NEW SECTION. Sec. 3. A new section is added to chapter 76.06 RCW
36 to read as follows:

1 The department is authorized to contribute resources and expertise
2 to assist the department of agriculture in control or eradication
3 efforts authorized under chapter 17.24 RCW in order to protect forest
4 lands of the state.

5 If either the department of agriculture has not taken action under
6 chapter 17.24 RCW or the commissioner finds that additional efforts are
7 required to control or prevent an outbreak of an exotic forest insect
8 or disease which has not become so habituated that it can no longer be
9 eradicated and that poses an imminent danger of damage to the forested
10 environment by threatening the diversity, abundance, and survivability
11 of native tree species, or both, the commissioner may declare a forest
12 health emergency.

13 Upon declaration of a forest health emergency, the department must
14 delineate the area at risk and determine the most appropriate
15 integrated pest management methods to control the outbreak, in
16 consultation with other interested agencies, affected tribes, and
17 affected forest landowners. The department must notify affected forest
18 landowners of its intent to conduct control operations.

19 Upon declaration of a forest health emergency by the commissioner,
20 the department is authorized to enter into agreements with forest
21 landowners, companies, individuals, tribal entities, and federal,
22 state, and local agencies to accomplish control of exotic forest
23 insects or diseases on any affected forest lands using such funds as
24 have been, or may be, made available.

25 The department must proceed with the control of the exotic forest
26 insects or diseases on affected nonfederal and nontribal forest lands
27 with or without the cooperation of the owner. The department may
28 reimburse cooperating forest landowners and agencies for actual cost of
29 equipment, labor, and materials utilized in cooperative exotic forest
30 insect or disease control projects, as agreed to by the department.

31 A forest health emergency no longer exists when the department
32 finds that the exotic forest insect or disease has been controlled or
33 eradicated, that the imminent threat no longer exists, or that there is
34 no longer good likelihood of effective control.

35 Nothing under this chapter diminishes the authority and
36 responsibility of the department of agriculture under chapter 17.24
37 RCW.

1 **Sec. 4.** RCW 76.09.050 and 2002 c 121 s 1 are each amended to read
2 as follows:

3 (1) The board shall establish by rule which forest practices shall
4 be included within each of the following classes:

5 Class I: Minimal or specific forest practices that have no direct
6 potential for damaging a public resource and that may be conducted
7 without submitting an application or a notification except that when
8 the regulating authority is transferred to a local governmental entity,
9 those Class I forest practices that involve timber harvesting or road
10 construction within "urban growth areas," designated pursuant to
11 chapter 36.70A RCW, are processed as Class IV forest practices, but are
12 not subject to environmental review under chapter 43.21C RCW;

13 Class II: Forest practices which have a less than ordinary
14 potential for damaging a public resource that may be conducted without
15 submitting an application and may begin five calendar days, or such
16 lesser time as the department may determine, after written notification
17 by the operator, in the manner, content, and form as prescribed by the
18 department, is received by the department. However, the work may not
19 begin until all forest practice fees required under RCW 76.09.065 have
20 been received by the department. Class II shall not include forest
21 practices:

22 (a) On lands platted after January 1, 1960, as provided in chapter
23 58.17 RCW or on lands that have or are being converted to another use;

24 (b) Which require approvals under the provisions of the hydraulics
25 act, RCW 77.55.100;

26 (c) Within "shorelines of the state" as defined in RCW 90.58.030;

27 (d) Excluded from Class II by the board; or

28 (e) Including timber harvesting or road construction within "urban
29 growth areas," designated pursuant to chapter 36.70A RCW, which are
30 Class IV;

31 Class III: Forest practices other than those contained in Class I,
32 II, or IV. A Class III application must be approved or disapproved by
33 the department within thirty calendar days from the date the department
34 receives the application. However, the applicant may not begin work on
35 that forest practice until all forest practice fees required under RCW
36 76.09.065 have been received by the department;

1 Class IV: Forest practices other than those contained in Class I
2 or II: (a) On lands platted after January 1, 1960, as provided in
3 chapter 58.17 RCW, (b) on lands that have or are being converted to
4 another use, (c) on lands which, pursuant to RCW 76.09.070 as now or
5 hereafter amended, are not to be reforested because of the likelihood
6 of future conversion to urban development, (d) involving timber
7 harvesting or road construction on lands that are contained within
8 "urban growth areas," designated pursuant to chapter 36.70A RCW, except
9 where the forest landowner provides: (i) A written statement of intent
10 signed by the forest landowner not to convert to a use other than
11 commercial forest product operations for ten years, accompanied by
12 either a written forest management plan acceptable to the department or
13 documentation that the land is enrolled under the provisions of chapter
14 84.33 RCW; or (ii) a conversion option harvest plan approved by the
15 local governmental entity and submitted to the department as part of
16 the application, and/or (e) which have a potential for a substantial
17 impact on the environment and therefore require an evaluation by the
18 department as to whether or not a detailed statement must be prepared
19 pursuant to the state environmental policy act, chapter 43.21C RCW.
20 Such evaluation shall be made within ten days from the date the
21 department receives the application: PROVIDED, That nothing herein
22 shall be construed to prevent any local or regional governmental entity
23 from determining that a detailed statement must be prepared for an
24 action pursuant to a Class IV forest practice taken by that
25 governmental entity concerning the land on which forest practices will
26 be conducted. A Class IV application must be approved or disapproved
27 by the department within thirty calendar days from the date the
28 department receives the application, unless the department determines
29 that a detailed statement must be made, in which case the application
30 must be approved or disapproved by the department within sixty calendar
31 days from the date the department receives the application, unless the
32 commissioner of public lands, through the promulgation of a formal
33 order, determines that the process cannot be completed within such
34 period. However, the applicant may not begin work on that forest
35 practice until all forest practice fees required under RCW 76.09.065
36 have been received by the department.

1 Forest practices under Classes I, II, and III are exempt from the
2 requirements for preparation of a detailed statement under the state
3 environmental policy act.

4 (2) Except for those forest practices being regulated by local
5 governmental entities as provided elsewhere in this chapter, no Class
6 II, Class III, or Class IV forest practice shall be commenced or
7 continued after January 1, 1975, unless the department has received a
8 notification with regard to a Class II forest practice or approved an
9 application with regard to a Class III or Class IV forest practice
10 containing all information required by RCW 76.09.060 as now or
11 hereafter amended. However, in the event forest practices regulations
12 necessary for the scheduled implementation of this chapter and RCW
13 90.48.420 have not been adopted in time to meet such schedules, the
14 department shall have the authority to regulate forest practices and
15 approve applications on such terms and conditions consistent with this
16 chapter and RCW 90.48.420 and the purposes and policies of RCW
17 76.09.010 until applicable forest practices regulations are in effect.

18 (3) Except for those forest practices being regulated by local
19 governmental entities as provided elsewhere in this chapter, if a
20 notification or application is delivered in person to the department by
21 the operator or the operator's agent, the department shall immediately
22 provide a dated receipt thereof. In all other cases, the department
23 shall immediately mail a dated receipt to the operator.

24 (4) Except for those forest practices being regulated by local
25 governmental entities as provided elsewhere in this chapter, forest
26 practices shall be conducted in accordance with the forest practices
27 regulations, orders and directives as authorized by this chapter or the
28 forest practices regulations, and the terms and conditions of any
29 approved applications.

30 (5) Except for those forest practices being regulated by local
31 governmental entities as provided elsewhere in this chapter, the
32 department of natural resources shall notify the applicant in writing
33 of either its approval of the application or its disapproval of the
34 application and the specific manner in which the application fails to
35 comply with the provisions of this section or with the forest practices
36 regulations. Except as provided otherwise in this section, if the
37 department fails to either approve or disapprove an application or any

1 portion thereof within the applicable time limit, the application shall
2 be deemed approved and the operation may be commenced: PROVIDED, That
3 this provision shall not apply to applications which are neither
4 approved nor disapproved pursuant to the provisions of subsection (7)
5 of this section: PROVIDED, FURTHER, That if seasonal field conditions
6 prevent the department from being able to properly evaluate the
7 application, the department may issue an approval conditional upon
8 further review within sixty days: PROVIDED, FURTHER, That the
9 department shall have until April 1, 1975, to approve or disapprove an
10 application involving forest practices allowed to continue to April 1,
11 1975, under the provisions of subsection (2) of this section. Upon
12 receipt of any notification or any satisfactorily completed application
13 the department shall in any event no later than two business days after
14 such receipt transmit a copy to the departments of ecology and fish and
15 wildlife, and to the county, city, or town in whose jurisdiction the
16 forest practice is to be commenced. Any comments by such agencies
17 shall be directed to the department of natural resources.

18 (6) For those forest practices regulated by the board and the
19 department, if the county, city, or town believes that an application
20 is inconsistent with this chapter, the forest practices regulations, or
21 any local authority consistent with RCW 76.09.240 as now or hereafter
22 amended, it may so notify the department and the applicant, specifying
23 its objections.

24 (7) For those forest practices regulated by the board and the
25 department, the department shall not approve portions of applications
26 to which a county, city, or town objects if:

27 (a) The department receives written notice from the county, city,
28 or town of such objections within fourteen business days from the time
29 of transmittal of the application to the county, city, or town, or one
30 day before the department acts on the application, whichever is later;
31 and

32 (b) The objections relate to lands either:

33 (i) Platted after January 1, 1960, as provided in chapter 58.17
34 RCW; or

35 (ii) On lands that have or are being converted to another use.

36 The department shall either disapprove those portions of such
37 application or appeal the county, city, or town objections to the

1 appeals board. If the objections related to subparagraphs (b)(i) and
2 (ii) of this subsection are based on local authority consistent with
3 RCW 76.09.240 as now or hereafter amended, the department shall
4 disapprove the application until such time as the county, city, or town
5 consents to its approval or such disapproval is reversed on appeal.
6 The applicant shall be a party to all department appeals of county,
7 city, or town objections. Unless the county, city, or town either
8 consents or has waived its rights under this subsection, the department
9 shall not approve portions of an application affecting such lands until
10 the minimum time for county, city, or town objections has expired.

11 (8) For those forest practices regulated by the board and the
12 department, in addition to any rights under the above paragraph, the
13 county, city, or town may appeal any department approval of an
14 application with respect to any lands within its jurisdiction. The
15 appeals board may suspend the department's approval in whole or in part
16 pending such appeal where there exists potential for immediate and
17 material damage to a public resource.

18 (9) For those forest practices regulated by the board and the
19 department, appeals under this section shall be made to the appeals
20 board in the manner and time provided in RCW 76.09.220(8). In such
21 appeals there shall be no presumption of correctness of either the
22 county, city, or town or the department position.

23 (10) For those forest practices regulated by the board and the
24 department, the department shall, within four business days notify the
25 county, city, or town of all notifications, approvals, and disapprovals
26 of an application affecting lands within the county, city, or town,
27 except to the extent the county, city, or town has waived its right to
28 such notice.

29 (11) For those forest practices regulated by the board and the
30 department, a county, city, or town may waive in whole or in part its
31 rights under this section, and may withdraw or modify any such waiver,
32 at any time by written notice to the department.

33 (12) Notwithstanding subsections (2) through (5) of this section,
34 forest practices applications or notifications are not required for
35 exotic insect and disease control operations conducted in accordance
36 with RCW 76.09.060(8) where eradication can reasonably be expected.

1 **Sec. 5.** RCW 76.09.060 and 1997 c 290 s 3 and 1997 c 173 s 3 are
2 each reenacted and amended to read as follows:

3 The following shall apply to those forest practices administered
4 and enforced by the department and for which the board shall promulgate
5 regulations as provided in this chapter:

6 (1) The department shall prescribe the form and contents of the
7 notification and application. The forest practices rules shall specify
8 by whom and under what conditions the notification and application
9 shall be signed or otherwise certified as acceptable. The application
10 or notification shall be delivered in person to the department, sent by
11 first class mail to the department or electronically filed in a form
12 defined by the department. The form for electronic filing shall be
13 readily convertible to a paper copy, which shall be available to the
14 public pursuant to chapter 42.17 RCW. The information required may
15 include, but is not limited to:

16 (a) Name and address of the forest landowner, timber owner, and
17 operator;

18 (b) Description of the proposed forest practice or practices to be
19 conducted;

20 (c) Legal description and tax parcel identification numbers of the
21 land on which the forest practices are to be conducted;

22 (d) Planimetric and topographic maps showing location and size of
23 all lakes and streams and other public waters in and immediately
24 adjacent to the operating area and showing all existing and proposed
25 roads and major tractor roads;

26 (e) Description of the silvicultural, harvesting, or other forest
27 practice methods to be used, including the type of equipment to be used
28 and materials to be applied;

29 (f) Proposed plan for reforestation and for any revegetation
30 necessary to reduce erosion potential from roadsides and yarding roads,
31 as required by the forest practices rules;

32 (g) Soil, geological, and hydrological data with respect to forest
33 practices;

34 (h) The expected dates of commencement and completion of all forest
35 practices specified in the application;

36 (i) Provisions for continuing maintenance of roads and other

1 construction or other measures necessary to afford protection to public
2 resources;

3 (j) An affirmation that the statements contained in the
4 notification or application are true; and

5 (k) All necessary application or notification fees.

6 (2) Long range plans may be submitted to the department for review
7 and consultation.

8 (3) The application for a forest practice or the notification of a
9 Class II forest practice is subject to the three-year reforestation
10 requirement.

11 (a) If the application states that any such land will be or is
12 intended to be so converted:

13 (i) The reforestation requirements of this chapter and of the
14 forest practices rules shall not apply if the land is in fact so
15 converted unless applicable alternatives or limitations are provided in
16 forest practices rules issued under RCW 76.09.070 as now or hereafter
17 amended;

18 (ii) Completion of such forest practice operations shall be deemed
19 conversion of the lands to another use for purposes of chapters 84.33
20 and 84.34 RCW unless the conversion is to a use permitted under a
21 current use tax agreement permitted under chapter 84.34 RCW;

22 (iii) The forest practices described in the application are subject
23 to applicable county, city, town, and regional governmental authority
24 permitted under RCW 76.09.240 as now or hereafter amended as well as
25 the forest practices rules.

26 (b) Except as provided elsewhere in this section, if the
27 application or notification does not state that any land covered by the
28 application or notification will be or is intended to be so converted:

29 (i) For six years after the date of the application the county,
30 city, town, and regional governmental entities shall deny any or all
31 applications for permits or approvals, including building permits and
32 subdivision approvals, relating to nonforestry uses of land subject to
33 the application;

34 (A) The department shall submit to the local governmental entity a
35 copy of the statement of a forest landowner's intention not to convert
36 which shall represent a recognition by the landowner that the six-year
37 moratorium shall be imposed and shall preclude the landowner's ability

1 to obtain development permits while the moratorium is in place. This
2 statement shall be filed by the local governmental entity with the
3 county recording officer, who shall record the documents as provided in
4 chapter 65.04 RCW, except that lands designated as forest lands of
5 long-term commercial significance under chapter 36.70A RCW shall not be
6 recorded due to the low likelihood of conversion. Not recording the
7 statement of a forest landowner's conversion intention shall not be
8 construed to mean the moratorium is not in effect.

9 (B) The department shall collect the recording fee and reimburse
10 the local governmental entity for the cost of recording the
11 application.

12 (C) When harvesting takes place without an application, the local
13 governmental entity shall impose the six-year moratorium provided in
14 (b)(i) of this subsection from the date the unpermitted harvesting was
15 discovered by the department or the local governmental entity.

16 (D) The local governmental entity shall develop a process for
17 lifting the six-year moratorium, which shall include public
18 notification, and procedures for appeals and public hearings.

19 (E) The local governmental entity may develop an administrative
20 process for lifting or waiving the six-year moratorium for the purposes
21 of constructing a single-family residence or outbuildings, or both, on
22 a legal lot and building site. Lifting or waiving of the six-year
23 moratorium is subject to compliance with all local ordinances.

24 (F) The six-year moratorium shall not be imposed on a forest
25 practices application that contains a conversion option harvest plan
26 approved by the local governmental entity unless the forest practice
27 was not in compliance with the approved forest practice permit. Where
28 not in compliance with the conversion option harvest plan, the six-year
29 moratorium shall be imposed from the date the application was approved
30 by the department or the local governmental entity;

31 (ii) Failure to comply with the reforestation requirements
32 contained in any final order or decision shall constitute a removal of
33 designation under the provisions of RCW 84.33.140, and a change of use
34 under the provisions of RCW 84.34.080, and, if applicable, shall
35 subject such lands to the payments and/or penalties resulting from such
36 removals or changes; and

1 (iii) Conversion to a use other than commercial forest product
2 operations within six years after approval of the forest practices
3 without the consent of the county, city, or town shall constitute a
4 violation of each of the county, municipal city, town, and regional
5 authorities to which the forest practice operations would have been
6 subject if the application had so stated.

7 (c) The application or notification shall be signed by the forest
8 landowner and accompanied by a statement signed by the forest landowner
9 indicating his or her intent with respect to conversion and
10 acknowledging that he or she is familiar with the effects of this
11 subsection.

12 (4) Whenever an approved application authorizes a forest practice
13 which, because of soil condition, proximity to a water course or other
14 unusual factor, has a potential for causing material damage to a public
15 resource, as determined by the department, the applicant shall, when
16 requested on the approved application, notify the department two days
17 before the commencement of actual operations.

18 (5) Before the operator commences any forest practice in a manner
19 or to an extent significantly different from that described in a
20 previously approved application or notification, there shall be
21 submitted to the department a new application or notification form in
22 the manner set forth in this section.

23 (6) Except as provided in RCW 76.09.350(4), the notification to or
24 the approval given by the department to an application to conduct a
25 forest practice shall be effective for a term of two years from the
26 date of approval or notification and shall not be renewed unless a new
27 application is filed and approved or a new notification has been filed.
28 At the option of the applicant, an application or notification may be
29 submitted to cover a single forest practice or a number of forest
30 practices within reasonable geographic or political boundaries as
31 specified by the department. An application or notification that
32 covers more than one forest practice may have an effective term of more
33 than two years. The board shall adopt rules that establish standards
34 and procedures for approving an application or notification that has an
35 effective term of more than two years. Such rules shall include
36 extended time periods for application or notification approval or

1 disapproval. On an approved application with a term of more than two
2 years, the applicant shall inform the department before commencing
3 operations.

4 (7) Notwithstanding any other provision of this section, no prior
5 application or notification shall be required for any emergency forest
6 practice necessitated by fire, flood, windstorm, earthquake, or other
7 emergency as defined by the board, but the operator shall submit an
8 application or notification, whichever is applicable, to the department
9 within forty-eight hours after commencement of such practice or as
10 required by local regulations.

11 (8) Forest practices applications or notifications are not required
12 for forest practices conducted to control exotic forest insect or
13 disease outbreaks, when conducted by or under the direction of the
14 department of agriculture in carrying out an order of the governor or
15 director of the department of agriculture to implement pest control
16 measures as authorized under chapter 17.24 RCW, and are not required
17 when conducted by or under the direction of the department in carrying
18 out emergency measures under a forest health emergency declaration by
19 the commissioner of public lands as provided in section 3 of this act.

20 (a) For the purposes of this subsection, exotic forest insect or
21 disease has the same meaning as defined in RCW 76.06.020.

22 (b) In order to minimize adverse impacts to public resources,
23 control measures must be based on integrated pest management, as
24 defined in RCW 17.15.010, and must follow forest practices rules
25 relating to road construction and maintenance, timber harvest, and
26 forest chemicals, to the extent possible without compromising control
27 objectives.

28 (c) Agencies conducting or directing control efforts must provide
29 advance notice to the appropriate regulatory staff of the department of
30 the operations that would be subject to exemption from forest practices
31 application or notification requirements.

32 (d) When the appropriate regulatory staff of the department are
33 notified under (c) of this subsection, they must consult with the
34 landowner, interested agencies, and affected tribes, and assist the
35 notifying agencies in the development of integrated pest management
36 plans that comply with forest practices rules as required under (b) of
37 this subsection.

1 (e) Nothing under this subsection relieves agencies conducting or
2 directing control efforts from requirements of the federal clean water
3 act as administered by the department of ecology under RCW 90.48.260.

4 (f) Forest lands where trees have been cut as part of an exotic
5 forest insect or disease control effort under this subsection are
6 subject to reforestation requirements under RCW 76.09.070.

7 (g) The exemption from obtaining approved forest practices
8 applications or notifications does not apply to forest practices
9 conducted after the governor, the director of the department of
10 agriculture, or the commissioner of public lands have declared that an
11 emergency no longer exists because control objectives have been met,
12 that there is no longer an imminent threat, or that there is no longer
13 a good likelihood of control.

14 **Sec. 6.** RCW 17.24.171 and 1991 c 257 s 21 are each amended to read
15 as follows:

16 (1) If the director determines that there exists an imminent danger
17 of an infestation of plant pests or plant diseases that seriously
18 endangers the agricultural or horticultural industries of the state, or
19 that seriously threatens life, health, ~~((ø*))~~ economic well-being, or
20 the environment, the director shall request the governor to order
21 emergency measures to control the pests or plant diseases under RCW
22 43.06.010(~~((+14))~~) (13). The director's findings shall contain an
23 evaluation of the affect of the emergency measures on public health.

24 (2) If an emergency is declared pursuant to RCW 43.06.010(~~((+14))~~)
25 (13), the director may appoint a committee to advise the governor
26 through the director and to review emergency measures necessary under
27 the authority of RCW 43.06.010(~~((+14))~~) (13) and this section and make
28 subsequent recommendations to the governor. The committee shall
29 include representatives of the agricultural industries, state and local
30 government, public health interests, technical service providers, and
31 environmental organizations.

32 (3) Upon the order of the governor of the use of emergency
33 measures, the director is authorized to implement the emergency
34 measures to prevent, control, or eradicate plant pests or plant
35 diseases that are the subject of the emergency order. Such measures,

1 after thorough evaluation of all other alternatives, may include the
2 aerial application of pesticides.

3 (4) Upon the order of the governor of the use of emergency
4 measures, the director is authorized to enter into agreements with
5 individuals (~~(or)~~), companies, or (~~(both)~~) agencies, to accomplish the
6 prevention, control, or eradication of plant pests or plant diseases,
7 notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any
8 other statute.

9 (5) The director shall continually evaluate the emergency measures
10 taken and report to the governor at intervals of not less than ten
11 days. The director shall immediately advise the governor if he or she
12 finds that the emergency no longer exists or if certain emergency
13 measures should be discontinued.

14 NEW SECTION. **Sec. 7.** The legislature finds that since 1995 large
15 numbers of oak and tanoak trees have been dying in the coastal counties
16 of California. The legislature also finds that the disease causing the
17 tree loss, which is commonly referred to as sudden oak death syndrome,
18 has, as of the effective date of this act, been confirmed in twelve
19 California counties, and one Oregon county. The legislature also finds
20 that in addition to affecting several species of oak, this disease has
21 been confirmed to affect several plant species common in Washington's
22 forests, including Douglas Fir, big leaf maple, huckleberry,
23 rhododendron, madrone, and manzanita. The legislature recognizes that
24 the state of California and the United States department of agriculture
25 have adopted restrictions on the movement of articles that may host the
26 disease, and the state of Oregon and the Canadian government have
27 adopted restrictions on the importation of potential host articles.
28 The legislature finds that an introduction of sudden oak death syndrome
29 into Washington could cause potential damage to the state's forest
30 health, leading to both economic and ecological losses.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 17.24 RCW
32 to read as follows:

33 The department and the department of natural resources shall
34 coordinate their sudden oak death syndrome response efforts with other
35 plant pest agencies and private organizations to exchange information,

1 monitor the confirmed incidences of the disease, and take action as
2 appropriate under existing plant pest control authorities to prevent
3 the introduction of the disease into Washington and to control or
4 eradicate the disease if it is determined to be present in the state."

5 Correct the title.

--- END ---