

SENATE BILL REPORT

SHB 1251

As of March 18, 2003

Title: An act relating to protecting forest health.

Brief Description: Protecting forest land from exotic forest insects or diseases.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Linville, Sump, Quall, Rockefeller and Haigh; by request of Commissioner of Public Lands).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 3/26/03.

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Staff: Vic Moon (786-7469)

Background: 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.

All pest and disease control efforts occurring on non-tribal or non-federal land are subject to the forest practice rules. The rules include the approval of a forest practices application before any significant forest practice operations are undertaken.

Summary of Bill: DNR is expressly authorized to contribute resources and expertise to the Washington State Department of Agriculture (WSDA) in pest control and eradication efforts. However, if the WSDA fails to take action, or if the Commissioner of Public Lands finds that efforts beyond those undertaken by WSDA are required to control or prevent an immediate danger to native trees, a forest health emergency can be declared by the commissioner.

Once an emergency is declared, DNR must map out the area at risk and determine the most appropriate integrated pest management technique to control the outbreak and notify landowners of its intent to conduct control operations. DNR is authorized to enter into agreements with individuals, companies, landowners, tribal entities, and the federal government to accomplish control operations; however, it may proceed with the control of exotic forest insects or diseases without the cooperation of an affected property's owner. If a landowner cooperates, DNR has the discretionary authority to reimburse the landowner for the actual costs of equipment, labor, and materials used by DNR to conduct the operation.

A forest health emergency is over when DNR finds that the exotic forest insect or disease has been controlled and that the imminent threat no longer exists, or when there is no longer a good likelihood of effective control.

Exotic insect and disease control applications carried out by DNR or WSDA may go forward without the filing of a forest practices application. To the extent possible, all forest health control operations must notify DNR and still abide to the forest practice rules relating to road construction and maintenance, timber harvest, forest chemicals application, and reforestation. Upon notification, DNR staff must consult with the landowners and any interested agencies, including the Department of Ecology and affected tribes. The exemption from filing a forest practices application does not exempt the actor from compliance with the Clean Water Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.