

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2165

61st Legislature
2009 Regular Session

Passed by the House April 18, 2009
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 7, 2009
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2165** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2165

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

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By Representatives Van De Wege, Haler, Blake, Kretz, McCoy, Hinkle, Ormsby, Nelson, Eddy, Hasegawa, Takko, Chase, Kenney, Warnick, and Morrell; by request of Department of Natural Resources

Read first time 02/11/09. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to authorizing the department of natural resources
2 to conduct a forest biomass energy demonstration project; amending RCW
3 76.06.150 and 43.30.020; adding new sections to chapter 43.30 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that forest biomass is
7 an abundant and renewable byproduct of Washington's forest land
8 management. Forest biomass can be utilized to generate clean renewable
9 energy.

10 In some Washington forests, residual forest biomass is burned on
11 site or left to decompose. The lack of forest products markets in some
12 areas means that standing forest biomass removed for forest health and
13 wildfire risk reduction treatments must occur at substantial cost.
14 Utilizing forest biomass to generate energy can reduce the greenhouse
15 gases emitted by burning forest biomass.

16 The legislature further finds that the emerging forest biomass
17 energy economy is challenged by: Not having a reliable supply of
18 predictably priced forest biomass feedstock; shipping and processing

1 costs; insufficient forest biomass processing infrastructure; and
2 feedstock demand.

3 The legislature finds that making use of the state's forest biomass
4 resources for energy production may generate new revenues or increase
5 asset values of state lands and state forest lands, protect forest land
6 of all ownerships from severe forest health problems, stimulate
7 Washington's economy, create green jobs, and reduce Washington's
8 dependence on foreign oil.

9 It is the intent of the legislature to support forest biomass
10 demonstration projects that employ promising processing technologies.
11 The demonstration projects must emphasize public and private forest
12 biomass feedstocks that are generated as byproducts of current forest
13 practices. The project must reveal ways to overcome the current
14 impediments to the developing forest biomass energy economy, and ways
15 to realize ecologically sustainable outcomes from that development.

16 NEW SECTION. **Sec. 2.** (1) The department may develop and implement
17 forest biomass energy demonstration projects, one east of the crest of
18 the Cascade mountains and one west of the crest of the Cascade
19 mountains. The demonstration projects must be designed to:

20 (a) Reveal the utility of Washington's public and private forest
21 biomass feedstock;

22 (b) Create green jobs and generate renewable energy;

23 (c) Generate revenues or improve asset values for beneficiaries of
24 state lands and state forest lands;

25 (d) Improve forest health, reduce pollution, and restore ecological
26 function; and

27 (e) Avoid interfering with the current working area for forest
28 biomass collection surrounding an existing fixed location biomass
29 energy production site.

30 (2) To develop and implement the forest biomass energy
31 demonstration projects, the department may form forest biomass energy
32 partnerships or cooperatives.

33 (3) The forest biomass energy partnerships or cooperatives are
34 encouraged to be public-private partnerships focused on convening the
35 entities necessary to grow, harvest, process, transport, and utilize
36 forest biomass to generate renewable energy. Particular focus must be

1 given to recruiting and employing emerging technologies that can
2 locally process forest biomass feedstock to create local green jobs and
3 reduce transportation costs.

4 (4) The forest biomass energy partnerships or cooperatives may
5 include, but are not limited to: Entrepreneurs or organizations
6 developing and operating emerging technology to process forest biomass;
7 industrial electricity producers; contractors capable of providing the
8 local labor needed to collect, process, and transport forest biomass
9 feedstocks; tribes; federal land management agencies; county, city, and
10 other local governments; the department of community, trade, and
11 economic development; state trust land managers; an organization
12 dedicated to protecting and strengthening the jobs, rights, and working
13 conditions of Washington's working families; accredited research
14 institution representatives; an industrial timber land manager; a small
15 forest landowner; and a not-for-profit conservation organization.

16 NEW SECTION. **Sec. 3.** By December 2010, the department shall
17 provide a progress report to the legislature regarding its efforts to
18 develop, implement, and evaluate forest biomass energy demonstration
19 projects and any other department initiatives related to forest
20 biomass. The report may include an evaluation of:

21 (1) The status of the department's abilities to secure funding,
22 partners, and other resources for the forest biomass energy
23 demonstration projects;

24 (2) The status of the biomass energy demonstration projects
25 resulting from the department's efforts;

26 (3) The status and, if applicable, additional needs of forest
27 landowners within the demonstration project areas for estimating
28 sustainable forest biomass yields and availability;

29 (4) Forest biomass feedstock supply and forest biomass market
30 demand barriers, and how they can best be overcome including actions by
31 the legislature and United States congress; and

32 (5) Sustainability measures that may be instituted by the state to
33 ensure that an increasing demand for forest biomass feedstocks does not
34 impair public resources or the ecological conditions of forests.

35 NEW SECTION. **Sec. 4.** For the purposes of implementing this act,

1 the department may seek grants or financing from the federal
2 government, industry, or philanthropists.

3 **Sec. 5.** RCW 76.06.150 and 2004 c 218 s 2 are each amended to read
4 as follows:

5 (1) The commissioner of public lands is designated as the state of
6 Washington's lead for all forest health issues.

7 (2) The commissioner of public lands shall strive to promote
8 communications between the state and the federal government regarding
9 forest land management decisions that potentially affect the health of
10 forests in Washington and will allow the state to have an influence on
11 the management of federally owned land in Washington. Such government-
12 to-government cooperation is vital if the condition of the state's
13 public and private forest lands are to be protected. These activities
14 may include, when deemed by the commissioner to be in the best interest
15 of the state:

16 (a) Representing the state's interest before all appropriate local,
17 state, and federal agencies;

18 (b) Assuming the lead state role for developing formal comments on
19 federal forest management plans that may have an impact on the health
20 of forests in Washington; (~~and~~)

21 (c) Pursuing in an expedited manner any available and appropriate
22 cooperative agreements, including cooperating agency status
23 designation, with the United States forest service and the United
24 States bureau of land management that allow for meaningful
25 participation in any federal land management plans that could affect
26 the department's strategic plan for healthy forests and effective fire
27 prevention and suppression, including the pursuit of any options
28 available for giving effect to the cooperative philosophy contained
29 within the national environmental policy act of 1969 (42 U.S.C. Sec.
30 4331); and

31 (d) Pursuing agreements with federal agencies in the service of
32 forest biomass energy partnerships and cooperatives authorized under
33 sections 2 through 4 of this act.

34 (3) The commissioner of public lands shall report to the chairs of
35 the appropriate standing committees of the legislature every year on
36 progress under this section, including the identification, if deemed

1 appropriate by the commissioner, of any needed statutory changes,
2 policy issues, or funding needs.

3 **Sec. 6.** RCW 43.30.020 and 1965 c 8 s 43.30.020 are each amended to
4 read as follows:

5 ~~((For the purpose of this chapter, except where a different~~
6 ~~interpretation is required by the context:)) The definitions in this
7 section apply throughout this chapter unless the context clearly
8 requires otherwise.~~

9 (1) "Department" means the department of natural resources((+)).

10 (2) "Board" means the board of natural resources((+)).

11 (3) "Administrator" means the administrator of the department of
12 natural resources((+)).

13 (4) "Supervisor" means the supervisor of natural resources((+)).

14 (5) "Agency" and "state agency" means any branch, department, or
15 unit of the state government, however designated or constituted((+)).

16 (6) "Commissioner" means the commissioner of public lands.

17 (7) "Forest biomass" means the byproducts of: Current forest
18 practices prescribed or permitted under chapter 76.09 RCW; current
19 forest protection treatments prescribed or permitted under chapter
20 76.04 RCW; or the byproducts of forest health treatments prescribed or
21 permitted under chapter 76.06 RCW. "Forest biomass" does not include
22 wood pieces that have been treated with chemical preservatives such as:
23 Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old
24 growth forests, except wood removed for forest health treatments under
25 chapter 76.06 RCW and RCW 79.15.540; wood required by chapter 76.09 RCW
26 for large woody debris recruitment; or municipal solid waste.

27 NEW SECTION. **Sec. 7.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 8.** Sections 2 through 4 of this act are each
32 added to chapter 43.30 RCW under the subchapter heading "duties and
33 powers--forested lands."

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