
HOUSE BILL 1799

State of Washington

65th Legislature

2017 Regular Session

By Representatives Tharinger, Short, Lytton, MacEwen, Chapman, Orcutt, Buys, J. Walsh, Taylor, Shea, Blake, Smith, and McCabe

Read first time 01/30/17. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to utilizing cooperative agreements with the
2 federal government, such as good neighbor agreements with the United
3 States forest service, to advance forest health in Washington;
4 amending RCW 76.06.150 and 76.06.020; creating new sections; and
5 providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that according
8 to a 2014 report from the department of natural resources, two
9 million seven hundred thousand acres of eastern Washington forestland
10 is in need of thinning and restoration activities and forty-three
11 percent of this acreage is managed by the federal government,
12 primarily through the United States forest service.

13 (2) The legislature further finds that efforts are underway to
14 improve the health and resiliency of forests in western Washington,
15 where the United States forest service manages over three million
16 five hundred thousand acres of forestland and frequently lacks the
17 capacity needed to meet ecological and economic objectives despite
18 collaborative support for increased management activities.

19 (3) The legislature further finds that following record wildfire
20 years in 2014 and 2015, there is an urgent need to increase the pace
21 and scale of forest restoration activities and that the good neighbor

1 authority provided by congress to the United States forest service in
2 the 2014 farm bill provides an unprecedented opportunity for federal/
3 state partnerships to address threats to forest and watershed health
4 across broad landscapes.

5 (4) The legislature further finds that the implementation of good
6 neighbor agreements: Provides the ability to work across
7 jurisdictional boundaries and treat landscapes that are in mixed
8 ownerships; fosters a collaborative approach to address land
9 management challenges; and creates a setting that better utilizes the
10 respective resources and capacities of the state and federal
11 governments.

12 (5) The legislature further finds that investments in forest
13 health provide a multitude of benefits, including reduced forest fire
14 risk, increased recreational opportunities, and economic development
15 opportunities in many of Washington's rural communities.

16 (6) The legislature further finds that Washington will be better
17 situated to join Colorado and Wisconsin as states that have
18 successfully implemented good neighbor agreements if the department
19 of natural resources is provided with clear authority and direction
20 to pursue these agreements with the United States forest service and
21 utilize available federal resources and income from forest projects
22 to provide state assistance in planning and implementing forest
23 restoration activities on federal lands.

24 **Sec. 2.** RCW 76.06.150 and 2009 c 163 s 5 are each amended to
25 read as follows:

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

28 (2) The commissioner of public lands shall strive to promote
29 communications between the state and the federal government regarding
30 forestland management decisions that potentially affect the health of
31 forests in Washington and will allow the state to have an influence
32 on the management of federally owned land in Washington. Such
33 government-to-government cooperation is vital if the condition of the
34 state's public and private forestlands are to be protected. These
35 activities may include, when deemed by the commissioner to be in the
36 best interest of the state:

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

1 (b) Assuming the lead state role for developing formal comments
2 on federal forest management plans that may have an impact on the
3 health of forests in Washington;

4 (c) Pursuing in an expedited manner any available and appropriate
5 cooperative agreements, including cooperating agency status
6 designation, with the United States forest service, United States
7 fish and wildlife service, and the United States bureau of land
8 management that allow for meaningful participation in any federal
9 land management plans that could affect the department's strategic
10 plan for healthy forests and effective fire prevention, use, and
11 suppression, including the pursuit of any options available for
12 giving effect to the cooperative philosophy contained within the
13 national environmental policy act of 1969 (42 U.S.C. Sec. 4331);
14 ((and))

15 (d) Pursuing agreements with federal agencies in the service of
16 forest biomass energy partnerships and cooperatives authorized under
17 RCW 43.30.835 through 43.30.840; and

18 (e) Entering into good neighbor agreements with the United States
19 forest service as authorized in 16 U.S.C. Sec. 2113a.

20 (3) Consistent with RCW 43.01.036, the commissioner of public
21 lands shall report to the ~~((chairs of the appropriate standing~~
22 ~~committees of the))~~ legislature every year on progress under this
23 section, including the identification, if deemed appropriate by the
24 commissioner, of any needed statutory changes, policy issues, or
25 funding needs.

26 NEW SECTION. Sec. 3. (1) The department of natural resources
27 shall use the authority granted to it in RCW 76.06.150 to implement a
28 good neighbor agreement demonstration project designed to determine
29 the value of investing state resources in good neighbor agreement
30 projects with the United States forest service.

31 (2) At a minimum, the department of natural resources must plan
32 and implement one forest and watershed restoration project on federal
33 lands under a good neighbor agreement with the United States forest
34 service. This project must be located adjacent, or in proximity, to
35 state trust lands managed by the department and existing forest
36 products sawmilling infrastructure.

37 (3) The department of natural resources must report the results
38 of the demonstration project required under this section to the

1 legislature, consistent with RCW 43.01.036, by December 28, 2018.

2 This report must include:

3 (a) The size and scale of the demonstration project;

4 (b) The forest and watershed restoration objectives achieved;

5 (c) The total cost to complete the project;

6 (d) The appraised value of any timber removed during the project;

7 (e) The total revenues received by the department from the
8 federal government or through the implementation of the project;

9 (f) How any project income was used by the department;

10 (g) Identification of any barriers that made the project less
11 efficient;

12 (h) Recommendations, if any, as to how good neighbor agreements
13 could be used to help advance Washington's forest health goals,
14 including the feasibility of a dedicated account that could receive
15 project income and use it to fund further forest restoration on
16 federal, state, and private lands.

17 (4) In addition to the final report required under subsection (3)
18 of this section, the department of natural resources must issue
19 interim progress reports to the legislature dated December 29, 2017,
20 and July 1, 2018.

21 (5) This section expires August 1, 2019.

22 **Sec. 4.** RCW 76.06.020 and 2007 c 480 s 2 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Agent" means the recognized legal representative,
27 representatives, agent, or agents for any owner.

28 (2) "Commissioner" means the commissioner of public lands.

29 (3) "Department" means the department of natural resources.

30 (4) "Disturbance agent" means those forces that damage or kill
31 significant numbers of forest trees, such as insects, diseases,
32 windstorms, ice storms, and fires.

33 (5) "Exotic" means not native to forestlands in Washington state.

34 (6) "Forest health" means, for the purposes of this chapter, the
35 condition of a forest being sound in ecological function,
36 sustainable, resilient, and resistant to insects, diseases, fire, and
37 other disturbance, and having the capacity to meet landowner
38 objectives.

1 (7) "Forest health emergency" means the introduction of, or an
2 outbreak of, an exotic forest insect or disease that poses an
3 imminent danger of damage to the environment by threatening the
4 survivability of native tree species.

5 (8) "Forest insect or disease" means a living stage of an insect,
6 other invertebrate animal, or disease-causing organism or agent that
7 can directly or indirectly injure or cause disease or damage in
8 trees, or parts of trees, or in processed or manufactured wood, or
9 other products of trees.

10 (9) "Forestland" means any land on which there are sufficient
11 numbers and distribution of trees and associated species to, in the
12 judgment of the department, contribute to the spread of forest insect
13 or forest disease outbreaks that could be detrimental to forest
14 health.

15 (10) "Good neighbor agreements" means cooperative agreements
16 between a state and the United States forest service to carry out
17 federally authorized forest restoration services. The authority to
18 enter into good neighbor agreements is provided to the United States
19 forest service in 16 U.S.C. Sec. 2113a.

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

25 ((+11)) (12) "Native" means having populated Washington's
26 forested lands prior to European settlement.

27 ((+12)) (13) "Outbreak" means a rapidly expanding population of
28 insects or diseases with potential to spread.

29 ((+13)) (14) "Owner" means and includes persons or their agents.

30 ((+14)) (15) "Person" means any individual, partnership,
31 private, public, or municipal corporation, county, federal, state, or
32 local governmental agency, tribes, or association of individuals of
33 whatever nature.

34 ((+15)) (16) "Timberland" means any land on which there is a
35 sufficient number of trees, standing or down, to constitute, in the
36 judgment of the department, a forest insect or forest disease
37 breeding ground of a nature to constitute a menace, injurious and
38 dangerous to permanent forest growth in the district under
39 consideration.

1 (~~(16)~~) (17) "Uncharacteristic" means ecologically atypical for
2 a forest or vegetation type or plant association and refers to fire,
3 insect, or disease events that are not within a natural range of
4 variability.

--- END ---