
HOUSE BILL 2285

State of Washington

65th Legislature

2018 Regular Session

By Representatives Chapman, Tarleton, Lytton, Tharinger, Blake, and Appleton

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1 AN ACT Relating to establishing a reporting process for the
2 department of natural resources regarding certain marbled murrelet
3 habitat information; 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.** (1) The marbled murrelet, scientific name
7 *Brachyramphus marmoratus*, is a species that resides along the west
8 coast of North America including on state, federal, and privately
9 owned lands within Washington state. The marbled murrelet is listed
10 as threatened under the federal endangered species act and as
11 endangered by the Washington department of fish and wildlife under
12 RCW 77.12.020. The board of natural resources is in the process of
13 deciding upon and submitting a proposed amendment of the 1997 state
14 trust lands habitat conservation plan to the United States department
15 of fish and wildlife. The proposed amendment will, if approved by the
16 United States department of fish and wildlife, amend the existing
17 plan and grant a fifty-year incidental take permit for department of
18 natural resources-managed lands within the habitat of the marbled
19 murrelet.

20 (2) The legislature finds that ending a twenty-year period of
21 encumbered lands uncertainty through federal approval of a fifty-year

1 marbled murrelet incidental take permit under the federal endangered
2 species act will provide certainty for the beneficiaries of the
3 affected state lands and state forestlands; our schools, counties,
4 and junior taxing districts. The legislature further finds that
5 protecting the habitat of the marbled murrelet is beneficial to the
6 state and our environment, but such protection will have impacts,
7 specifically on timber jobs in our rural communities and lost trust
8 revenues to our schools, counties, and junior taxing districts
9 through reduced timber harvests.

10 (3) It is the intent of the legislature to support protection of
11 the habitat of the marbled murrelet, while mitigating the impacts of
12 that protection by requiring the commissioner of public lands to
13 appoint and convene an advisory council to assist the commissioner in
14 developing a report, with recommendations, to the legislature.

15 (4) It is the further intent of the legislature that the report
16 identified in subsection (3) of this section include recommendations
17 that may be adopted under state law that include: No net loss of
18 timber jobs in the affected rural communities; no net loss of
19 revenues to the trust beneficiaries, including schools, counties, and
20 junior taxing districts; and potential additional conservation
21 measures for the marbled murrelet that meet the no net loss threshold
22 for jobs and revenues to the trust beneficiaries.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30
24 RCW under the subchapter heading "powers and duties---general" to
25 read as follows:

26 By December 1, 2018, and each December 1st thereafter until the
27 December 1st after the 1997 state trust lands habitat conservation
28 plan is amended and an incidental take permit has been issued by the
29 United States fish and wildlife service to the department covering
30 the habitat of the marbled murrelet, the department must provide a
31 report to the legislature. The report must include:

32 (1) An economic analysis of: (a) The net loss or gain of revenues
33 to each of the trust beneficiaries from a proposed marbled murrelet
34 habitat conservation plan approved by the board: (i) For
35 consideration by the public and subject to an environmental impact
36 statement; and (ii) forwarded to or approved by the United States
37 fish and wildlife service; and (b) the potential net loss or gain of
38 jobs for each impacted county;

1 (2) Recommendations for consideration by the legislature: (a) To
2 offset the identified potential loss of revenues to the
3 beneficiaries; (b) to offset the identified loss of jobs in the rural
4 communities; and (c) for policies that may be adopted before the
5 dates that the losses are projected to occur;

6 (3) Recommendations for consideration by the legislature for
7 additional marbled murrelet conservation measures; and

8 (4) Recommendations for consideration by the legislature for
9 modifications, if any, on the definition of arrearage under RCW
10 79.10.300 that may provide additional certainty with respect to
11 timber revenues to impacted trust beneficiaries.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30
13 RCW under the subchapter heading "powers and duties---general" to
14 read as follows:

15 To assist the department in developing and providing the report
16 to the legislature required in section 2 of this act, the
17 commissioner of public lands must appoint a marbled murrelet advisory
18 committee. The committee may: (1) Include one or more representatives
19 from: State lands trust beneficiaries; impacted state forestlands
20 beneficiaries, including county and junior taxing district
21 beneficiaries; environmental organizations; local governments or an
22 association representing local governments; an association
23 representing milling interests; a statewide association to protect
24 forests; local public interest groups; and other interested parties
25 deemed appropriate by the commissioner; and (2) consult with relevant
26 state and federal agencies and tribes.

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