

FINAL BILL REPORT

2SHB 1168

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Synopsis as Enacted

Brief Description: Concerning long-term forest health and the reduction of wildfire dangers.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent and Klicker).

House Committee on Rural Development, Agriculture & Natural Resources
House Committee on Appropriations
Senate Committee on Agriculture, Water, Natural Resources & Parks
Senate Committee on Ways & Means

Background:

The Department of Natural Resources.

The Department of Natural Resources (DNR) has direct charge and responsibility over all matters pertaining to forest fire services in the state. The forest fire-related duties of the DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing fire suppression efforts. In 2007 the Legislature designated the DNR as the lead agency in developing a comprehensive forest health program for the state. As part of that designation, the DNR was directed to gather and disseminate forest health information, coordinate forest health monitoring activities, and coordinate with universities and other agencies to provide landowners with technical assistance regarding forest health. Additionally, in 2019, the DNR developed the 10-year Wildland Fire Strategic Plan that establishes goals and identifies strategies for wildland fire preparedness, response, and recovery.

Forest Health Assessment and Treatment Framework.

In 2017 the DNR established the Forest Health Assessment and Treatment Framework (Framework) at the direction of the Legislature. The stated purpose of the Framework is to

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proactively and systematically address forest health issues facing the state. The Framework has three components: assessment, treatment, and progress review and reporting. The DNR must use the Framework to assess and treat fire prone lands each biennium, with a goal of assessing and treating 1 million acres of land by 2033. In developing and implementing the Framework, the DNR must use and build on the 20-year forest health strategic planning initiated at the direction of the Legislature in 2016. The Forest Health Advisory Committee assists in developing and implementing the Framework.

Wildland Fire Advisory Committee.

The Wildland Fire Advisory Committee (Advisory Committee) was created in 2015. The Advisory Committee advises the Commissioner of Public Lands (Commissioner) on all matters related to wildland firefighting in the state. This includes developing strategies to enhance the safe and effective use of private and public wildland firefighting resources.

Sustainable Harvest Calculation.

The DNR must manage its forestlands on a sustained yield basis compatible with other statutory directives and must periodically adjust the acreages designated for inclusion in the sustained yield management program and calculate a sustainable harvest level. In December 2019, the Board of Natural Resources set the sustainable harvest calculation for the fiscal year 2015-2024 planning decade.

The Commissioner of Public Lands.

The Commissioner is designated as the state's lead for all forest health issues and is responsible for promoting government-to-government communications between the state and federal government on forest land management decisions. Each year, the Commissioner must provide a progress report to the Legislature on their coordination responsibility and any recommended statutory changes, policy issues, or funding needs.

Good Neighbor Agreements.

The United States Congress first authorized a Good Neighbor pilot program in 2000 between the United States Forest Service (USFS) and the Colorado State Forest Service. Since that time, the Good Neighbor Authority Program has expanded to include the Bureau of Land Management (BLM) and to encompass all 50 states and Puerto Rico. Under good neighbor agreements, state agencies are authorized to undertake a broad array of land management activities on USFS and BLM lands, including fuels management, and forest, range, and fisheries habitat restoration.

Tribal Forest Protection Act.

The Tribal Forest Protection Act authorizes the Secretaries of Agriculture and Interior to

give special consideration to tribally proposed stewardship, contracting, or other projects on USFS or BLM land bordering or adjacent to Indian trust land to protect the Indian trust resources from fire, disease, or other threat coming off of that USFS or BLM land.

Summary:

The Department of Natural Resources.

Wildfire Response, Forest Restoration, and Community Resilience Account and Reporting.

The Wildfire Response, Forest Restoration, and Community Resilience Account (Account) is created. Funds in the Account may be spent only after appropriation and used only to monitor, track, and implement certain wildfire preparedness, prevention, and protection purposes. Funds in the account may not be used for emergency fire costs or suppression costs. Appropriations for forest health activities must not be less than 25 percent of appropriations and must not be less than 15 percent of appropriations for community resilience activities. The Department of Natural Resources (DNR) may solicit recommendations on how to use funds in the account from the Forest Health Advisory Committee and the Wildland Fire Advisory Committee (Advisory Committees). The Advisory Committees must use environmental justice or equity focused tools to identify highly impacted communities when making recommendations for investments from the Account.

By December 1 of each odd-numbered year, the DNR must provide a report to the Governor and Legislature on: (1) the type, amount, and purpose of expenditures made from the Account by fiscal year; (2) the amount of unspent and unobligated funds in the Account, and recommendations for disbursement to local districts; (3) progress on the implementation of the Wildland Fire Protection 10-year Strategic Plan; (4) progress on the implementation of the 20-year Forest Health Strategic Plan; and (5) progress on developing markets for forest residuals and biomass generated from forest health treatments. The DNR must also include any recommendations for adjustments to how Account funds are disbursed.

Forest Health Assessment and Treatment Framework.

Within the assessment element of the Forest Health Assessment and Treatment Framework, the DNR must develop a mapping tool to identify small forest land owners (SFLOs) within wildfire risk areas. The DNR must use the mapping tool to evaluate and optimize forest health work to reduce wildfire risk in high risk areas and leverage funding and landowner assistance programs with the greatest impact for wildfire prevention, preparedness, and response.

The DNR must take additional actions when developing and implementing the Forest Health Assessment and Treatment Framework. These actions include: (1) partnering with

federally recognized tribes where possible to expand the use of the Tribal Forest Protection Act on certain federal lands; and (2) prioritizing forest health treatments nearby or adjacent to state lands when entering into good neighbor agreements, to increase the speed, efficiency, and impact on the landscape.

Forest health treatments funded through the Account must, to the maximum extent possible and where consistent with the DNR's forest health and wildfire strategic plans or the Washington Forest Action Plan and landowner objectives, seek to use the value of harvested materials to offset treatment costs. In consultation with the Department of Commerce, federal agencies, and other stakeholders with a working knowledge of woody biomass technology, the DNR must also explore opportunities to develop markets for woody biomass residuals from forest health treatments.

Small Forest Landowner Forest Health Program.

A Small Forest Landowner Forest Health Program is established to promote the coordination of services to SFLOs, integrate existing landowner assistance programs to efficiently and effectively reach diverse SFLOs, distribute funding effectively to lower wildfire risk in high risk areas, increase education and outreach to SFLOs, and identify and remove barriers to technical assistance, funding, and forest health management planning. Priority areas for treatment under the Washington State Forest Action Plan, 10-year Forest Health Strategic Plan, and Wildland Fire Protection 10-year Strategic Plan may not prohibit technical support or stewardship plan support for SFLO lands outside the designated emphasis areas. The DNR must assist forestland owners and forest product companies to develop and grow market opportunities for the use of materials produced through Account-funded forest health treatments.

Workforce Development.

The DNR, jointly with the Department of Commerce, and in consultation with centers for excellence, higher education, secondary education, and workforce development centers, must develop and implement initiatives to develop a forest health workforce. This includes developing a plan for tracking, maintaining, and publicly reporting on specific items related to development of workforce initiatives, for example: a working definition of the forest sector workforce; training recommendations; identification of gaps and barriers to a full forest sector workforce pool; and any recommendations for addressing barriers or other needs to develop a forest sector workforce.

The DNR and the Department of Corrections must jointly expand existing programs to provide additional wildfire, forest health, and silvicultural capacity, such as a post-release program to help formerly incarcerated individuals who have served on state fire response crews obtain employment in wildfire suppression and forest management. Inmate forest fires suppression support crews must receive a gratuity of no less than minimum wage.

The DNR must use existing programs, such as the Washington Conservation Corps, Washington Veterans Corps, or other similar programs to expand forest health workforce opportunities. Workforce development programs and policies should prioritize historically marginalized, underrepresented, rural, and low-income communities to the maximum extent possible.

Sustainable Harvest Calculation.

Prior to the determination of the sustainable harvest calculation for the fiscal year 2025-2034 planning decade (2025-2034 sustainable harvest calculation), the DNR must hire an independent third-party contractor to assist in updating DNR's forest inventory by increasing the intensity of forest sample plots on all forestlands over the next two biennia, and review, analyze, and advise the DNR's forest growth and yield monitoring, with involvement from the DNR's Sustainable Harvest Technical Advisory Committee.

The Joint Legislative Audit and Review Committee (JLARC), prior to the determination of the 2025-2034 sustainable harvest calculation and in absence of any litigation against the sustainable harvest calculation, must oversee and conduct an independent review of the methodologies and data used by the DNR to develop the sustainable harvest calculation. The JLARC must provide a completed report to the Board of Natural Resources (Board). Upon receipt of the report, the Board must determine whether modifications to the sustainable harvest calculation are necessary prior to approving harvest levels.

The Commissioner of Public Lands.

The government-to-government coordination responsibilities of the Commissioner of Public Lands (Commissioner) are extended to communication and coordination with Tribes. The Commissioner must meet regularly with regional leadership of the United States Forest Service (USFS) to coordinate on:

1. identifying strategies to improve the delivery and increase the pace and scale of forest health and resiliency treatments on USFS lands;
2. documenting resources needed to increase the capacity available to the USFS;
3. identifying planning and implementation support to the USFS through cooperative agreements and good neighbor agreements; and
4. maximizing the use of efficiencies for compliance with the National Environmental Policy Act to increase the pace and scale of forest health treatments.

Instead of every year, the Commissioner must report to the Legislature every two years, and the report must include identification of any needed state or federal statutory changes, if deemed appropriate by the Commissioner, and an estimate of the acres of at-risk forests on each national forest and number of acres treated.

Wildland Fire Aviation Support Plan.

The DNR must develop and implement a Wildland Fire Aviation Support Plan as recommended by the Wildland Fire Protection 10-year Strategic Plan to improve the effectiveness and cost-efficiency of the DNR's wildland fire aviation program. The plan must include recommendations for the addition of air assets, evaluation of opportunities to increase contract air assets, costs and benefits to increase dedicated air resources, and strategies to upgrade the DNR's aircraft, as well as retardant loading and processing infrastructure at a port in Eastern Washington.

Votes on Final Passage:

House	96	0	
Senate	49	0	(Senate amended)
House	97	0	(House concurred)

Effective: July 25, 2021