

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 614, As Amended in the Senate

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO FORESTS; AMENDING TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 38, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE FINDINGS AND POLICY, TO PROVIDE FOR DUTIES AND AUTHORITY, AND TO PROVIDE FOR THE GOOD NEIGHBOR AUTHORITY FUND; AMENDING SECTION 38-102, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LANDS; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-137, IDAHO CODE, TO PROVIDE FOR THE GOOD NEIGHBOR AUTHORITY FUND; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 17, Title 38, Idaho Code, and to read as follows:

CHAPTER 17  
SUSTAINABLE MANAGEMENT OF NATIONAL FORESTS

38-1701. SHORT TITLE. This chapter shall be known and may be cited as the "Sustainable Management of National Forests Act."

38-1702. FINDINGS AND POLICY. (1) The legislature finds that the sustainable management of national forests in Idaho is vital to conserving the state's natural resources and its economic and ecological potential for the benefit of all Idahoans.

(2) The legislature finds that national forests in Idaho should be sustainably managed to maintain health, diversity, productivity, regeneration capacity, and vitality with the potential to fulfill relevant ecological, economic, and social functions.

(3) The legislature finds that sustainable forest stewardship and management of Idaho's national forests requires a balanced approach that ensures a stable timber supply, active restoration, healthy watersheds, fish and wildlife habitat, areas for natural processes, and allowances for multiple uses.

(4) The legislature finds that:

(a) There is overwhelming evidence that the management, protection, and conservation of watersheds in Idaho is critical to the well-being of the state;

(b) The water supplies of some of the state's most populous cities and surrounding areas originate in federally managed watersheds that are at risk for catastrophic wildfire, the severity of which could be reduced by proper management;

1 (c) Wildfires can compromise water quality both during active burning  
2 and for months and years after the fire has been extinguished. Burned  
3 watersheds are prone to increased flooding and erosion, which can nega-  
4 tively affect water supply reservoirs, water quality, and drinking wa-  
5 ter treatment processes; and

6 (d) A burned-out watershed also affects the timing of snow melt and  
7 stream flow, which detrimentally affects irrigation and fisheries.

8 (5) The legislature finds that smoke generated from wildfires poses  
9 significant harm to human health, impairs recreational opportunities, and  
10 negatively affects local economies throughout Idaho.

11 (6) The legislature finds that catastrophic wildfire burns hundreds  
12 of thousands of acres each year in Idaho, which negatively affects private  
13 property and the Idaho endowments, limiting the revenue-generating capacity  
14 of the land.

15 (7) The legislature declares that it is the policy of the state to pro-  
16 mote the sustainable use of all national forests within the state through  
17 sound management and collaboration with local, state, and federal entities,  
18 including good neighbor authority, as provided in 16 U.S.C. 2113a.

19 38-1703. DUTIES -- AUTHORITY. To implement the policy of section  
20 38-1702, Idaho Code, the Idaho department of lands:

21 (1) Shall support sustainable forest management practices, including  
22 forest restoration, on national forests in Idaho consistent with all appli-  
23 cable laws and administrative requirements;

24 (2) Shall provide technical information and educational assistance to  
25 nonindustrial private forest landowners;

26 (3) Shall promote forest management activities within and adjacent to  
27 the wildland-urban interface and promote the implementation of community  
28 wildfire protection plans;

29 (4) Shall promote a viable forest and wood products industry and other  
30 businesses and individual activities that rely on public forest lands;

31 (5) Shall represent the state's interest in the federal forest manage-  
32 ment planning and policy process, including establishing cooperative agency  
33 status and coordination with federal agencies;

34 (6) Shall actively participate in the good neighbor authority policy  
35 that allows the secretary of the interior or the secretary of agriculture to  
36 enter into a cooperative agreement or contract that authorizes the governor  
37 to provide watershed restoration and protection services on federal land.  
38 Watershed restoration and protection services included in the good neighbor  
39 policy shall include the authority to:

40 (a) Treat insect-infested trees;

41 (b) Reduce hazardous fuels; and

42 (c) Conduct any other activities to restore or improve forest, range-  
43 land, and watershed health, including fish and wildlife habitat.

44 (7) May assist local governmental entities in establishing cooperative  
45 agency status and coordination with federal agencies;

46 (8) Has the authority to intervene in litigation or appeals on federal  
47 forest management projects; and

48 (9) Has the authority to enter into agreements with federal agencies to  
49 participate in forest management activities on federal lands.

1           38-1704. GOOD NEIGHBOR AUTHORITY FUND -- USES. (1) The good neighbor  
2 authority fund established in section 38-137, Idaho Code, shall be adminis-  
3 tered by the department of lands as follows:

4           (a) All state proceeds allocated or budgeted for the purposes of the  
5 good neighbor authority policy established by this chapter shall be de-  
6 posited in the good neighbor authority fund.

7           (b) Money received by the state in the form of gifts, grants, reim-  
8 bursements, or allocations from any source intended to be used for the  
9 purposes of the good neighbor authority policy established pursuant to  
10 this chapter shall be deposited in the good neighbor authority fund.

11           (c) Federal moneys received by the state through good neighbor agree-  
12 ments with the federal government shall be deposited in the good neigh-  
13 bor authority fund.

14           (2) Moneys in the good neighbor authority fund established in section  
15 38-137, Idaho Code, are hereby continuously appropriated, as provided in  
16 section 67-3514, Idaho Code, to the department of lands to carry out only  
17 the provisions of the good neighbor authority policy established in this  
18 chapter.

19           SECTION 2. That Section 38-102, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21           38-102. DUTIES OF DIRECTOR OF DEPARTMENT OF LANDS. It shall be the duty  
22 of the director of the department of lands to execute the provisions of this  
23 chapter, and the rules and regulations of the state board of land commission-  
24 ers pertaining to forest and watershed protection; to represent the state in  
25 cooperation with forest owners and others in forest protection work; to fur-  
26 ther the enforcement of laws for the protection and preservation of forests;  
27 to establish a policy implementing good neighbor authority, as provided in  
28 16 U.S.C. 2113a, that directs the department to enter into a cooperating and  
29 coordinating agreement or contract that authorizes the department to engage  
30 in forest management and education activities; to collect and disseminate  
31 information upon forest resources and forest conditions; to promote commu-  
32 nity forest management on public and private lands; to report to the state  
33 board of land commissioners concerning the improvement and management of the  
34 state's forest holdings; to advise farmers and others concerning the devel-  
35 opment and management of woodlots and forest tracts; and to make such in-  
36 vestigation and take such steps as shall lead to the adoption and execution  
37 of a comprehensive state forest policy in the interest of the entire state.  
38 The director shall furnish such information, make such recommendations, and  
39 perform such duties as may be required of him by the state board of land com-  
40 missioners. The director may delegate all or any portion of his duties or re-  
41 sponsibilities provided under this chapter to one (1) or more division heads  
42 or employees of the department of lands.

43           SECTION 3. That Chapter 1, Title 38, Idaho Code, be, and the same is  
44 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
45 ignated as Section 38-137, Idaho Code, and to read as follows:

46           38-137. GOOD NEIGHBOR AUTHORITY FUND. There is hereby created in the  
47 state treasury the good neighbor authority fund into which shall be paid the

1 state proceeds, money received by the state, and federal moneys received by  
2 the state, as provided in section 38-1704, Idaho Code. Interest earned on  
3 moneys in the fund shall be retained by the fund.

4 SECTION 4. An emergency existing therefor, which emergency is hereby  
5 declared to exist, this act shall be in full force and effect on and after  
6 July 1, 2024.