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ENGROSSED SUBSTITUTE HOUSE BILL 2285

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AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

**State of Washington**                      **65th Legislature**                      **2018 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Chapman, Tarleton, Lytton, Tharinger, Blake, and Appleton)

READ FIRST TIME 01/19/18.

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;  
4 creating a new section; and providing a contingent expiration date.

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

6            NEW SECTION.    **Sec. 1.**    (1) The legislature finds that the 1997  
7 state trust lands habitat conservation plan and the proposed  
8 amendment related to the conservation of the marbled murrelet, which  
9 provide certainty for beneficiaries of affected state lands and state  
10 forestlands, present an important and ongoing issue for the people of  
11 the state of Washington. The legislature further finds that complying  
12 with the endangered species act is a necessary aspect of managing  
13 state trust lands. The lands that are the subject of the 1997 habitat  
14 conservation plan are held by the state in trust for the trust  
15 beneficiaries, and the proposed amendment to the 1997 state trust  
16 lands habitat conservation plan presents an opportunity for the  
17 legislature to engage in its role as a fiduciary of those lands.

18            (2) The legislature intends that the process set forth in this  
19 act will serve as a model for future processes in the event that  
20 there are any subsequent amendments to the 1997 state trust lands  
21 habitat conservation plan beyond those envisioned in this act.

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

4        (1)(a) By December 1, 2018, and each December 1st until the year  
5    after the United States fish and wildlife service issues an  
6    incidental take permit on the state trust land habitat conservation  
7    plan for the long-term conservation strategy for the marbled  
8    murrelet, the department must provide a report to the legislature,  
9    consistent with RCW 43.01.036, as required in this section.

10       (b) No fewer than ninety days before submitting the report to the  
11    legislature as described in this section, the department must first  
12    submit a draft of the report for review and comment to the chair and  
13    ranking member of the committees of the house of representatives and  
14    senate with jurisdiction over state trust lands management.

15       (c) Each regular legislative session, the standing committee with  
16    jurisdiction over state trust land management from the house of  
17    representatives and senate must each hold a meeting, which may be  
18    held as a joint meeting, on the report required in this section and  
19    the habitat conservation plan update process.

20       (2) The report required in this section must annually include an  
21    economic analysis of potential losses or gains from any proposed  
22    marbled murrelet long-term conservation strategy selected by the  
23    board of natural resources, forwarded to or approved by the United  
24    States fish and wildlife service, and subsequently adopted by the  
25    board.

26       (3) The initial report required under this section must also  
27    include recommendations relating to the following, to be updated as  
28    appropriate in subsequent reports:

29       (a) Actions that support maintaining or increasing family-wage  
30    timber and related jobs in the affected rural communities, taking  
31    into account, as appropriate, the role of other market factors;

32       (b) Strategies to ensure no net loss of revenues to the trust  
33    beneficiaries due to the implementation of additional marbled  
34    murrelet conservation measures;

35       (c) Additional means of financing county services; and

36       (d) Additional reasonable, incentive-based, nonregulatory  
37    conservation measures for the marbled murrelet that also provide  
38    economic benefits to rural communities.

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

4        (1) To assist the department in developing and providing the  
5 report to the legislature required in section 2 of this act, the  
6 commissioner must appoint a marbled murrelet advisory committee.

7        (2) The marbled murrelet advisory committee may include one or  
8 more representatives from the following categories:

9        (a) State trust lands beneficiaries;

10       (b) Impacted state forestlands beneficiaries, including counties;

11       (c) Junior taxing districts;

12       (d) Environmental organizations;

13       (e) Local governments or an association representing local  
14 governments;

15       (f) Milling interests or an association representing milling  
16 interests;

17       (g) Private forest landowners or a statewide association  
18 representing private forest landowners; and

19       (h) Local public interest groups.

20       (3) The advisory committee required under this section may  
21 consult with relevant state and federal agencies and tribes.

22       NEW SECTION.    **Sec. 4.**    (1) Sections 2 and 3 of this act expire at  
23 the end of the calendar year following the issuance by the United  
24 States fish and wildlife service of an incidental take permit on the  
25 long-term conservation strategy for the marbled murrelet under the  
26 state trust lands habitat conservation plan and subsequent adoption  
27 by the board of natural resources.

28       (2) The department of natural resources must notify the chief  
29 clerk of the house of representatives, the secretary of the senate,  
30 and the office of the code reviser when the conditional expiration  
31 date of sections 1 and 2 of this act is satisfied.

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