

WFFA Final Legislative Report – March 16, 2020

The 2020 Washington State legislative session is in the rearview mirror. With some exceptions, the worst bills were amended to be less harmful or they died. Some of the most interesting results of the legislative session can be found in the budget. Several new grant programs were created. Read on for highlights. In the bill tracking at the end, note the three bills whose status shows **S Rules X**. They are dead, bill will likely be reintroduced next year.

DNR

\$100,000 for fiscal year 2021 is provided in ongoing funding for the department to increase technical assistance to small forestland owners. This is specifically to refill Boyd Norton's position in northwest Washington.

DNR is provided \$1.0 million in the capital budget for the Forest Riparian Easement Program. (Last year the FREP program got only \$2.5 million, \$1 million less than at any time in the past.

Recognizing the contributions of the state's forest products sector as part of the state's global climate response, including Forest Restoration Grants

House Bill 2528, brought by Washington Forest Protection Association may benefit from some explanation. The bill requires that the state of Washington should continue maintaining and enhancing the state's ability to continue to sequester carbon through natural and working lands and forest products. The state must support industry sectors that sequester carbon. If, in the future, any revenue are generated by a state carbon market system, they must be used to further the state's efforts to invest in industry sectors that act as sequesterers of carbon. (That's us.)

All of state government must support working forests of all sizes, ownerships, and management objectives, and the manufacturing sectors that support the transformation of stored carbon into long-lived forest products. The state must support all working forests and the forest products sector including landowners, mills, bioenergy, pulp and paper, and the related harvesting and transportation infrastructure. The state must support the participation of working forests in current and future carbon markets. Any state carbon programs must support and recognize the forest products industry's contribution to the state's climate response.

In addition, \$200,000 was provided in the budget for forest restoration grants for reforestation, afforestation, riparian buffer restoration, and urban forest restoration.

Aerial Application of Herbicides over timberland

SB 6488 would have implemented the report from the Aerial Application over forestland workgroup. The bill died, but virtually all of the language was added to the budget, which effectively makes it law until June 2021 when it expires.

DNR must:

(a) Evaluate and conduct research trials of chemical and nonchemical forest vegetation management strategies and collaborate with other forestland owners through coordination with leading forestry research cooperatives and universities in the Pacific Northwest.

(b) Work with the forest practices board to develop interpretive guidance in the board manual to clarify the adjacent property buffer requirements.

(c) Work with the forest practices board and a stakeholder process to update the forest practices board manual, as provided in WAC 222-12-090 to include best management practices and technical guidance related to the aerial application of herbicides consistent with forest practices rules including, but not limited to, equipment, weather conditions, communicating best management practices to neighbors, signage, and as appropriate, information about alternatives to herbicides. The forest practices board manual updates must be completed by June 30, 2021.

(d) Improve the aerial herbicide application signage information included in the forest practices board manual and forest practices illustrated document and provide a sign template that satisfies the legal posting requirements. The department must update the guidance to reflect that emergency contact information must be included on the signage.

(e) Integrate evaluation of forest practices aerial applications of herbicide into the 2021-2023 biennial forest practices compliance monitoring sampling conducted pursuant to WAC 222-08-160.

(f) Provide electronic access to forest practices applications to the public in the form of a readily available link on the department's web site.

(g) Develop a proposal for inclusion in the 2021-2022 budget to replace or upgrade the existing forest practices application review system. The proposal must be developed with a steering group composed of users of the existing system. One outcome of proposed system must be an improved user interface for review of applications with aerial herbicide application as a component.

The department of agriculture must work with the departments of natural resources, labor and industries, health, and ecology, local health jurisdictions, the state poison center, and nongovernmental stakeholders including, but not limited to, tribal and environmental representatives, to evaluate pesticide investigation rules and processes. By June 30, 2021, the work group must report back to the legislature with any recommended changes, including how complaints should be reported and ensuring that complaints are properly referred.

The department must also, in coordination with DNR and stakeholders, review how the state environmental policy act is used for aerial application of herbicides and provide recommendations to the forest practices board and the legislature for revisions to statute, rule, or guidance by October 31, 2020. (This section was supposed to be deleted but wound up in the final budget. The Governor will be asked to veto it.)

Grants for Compost Use

\$167,000 of ongoing funding is provided to implement the three-year pilot program to reimburse farming operations for purchasing compost from facilities with solid waste handling permits. Reimbursement may include transportation, equipment, spreading, and labor costs. The pilot program will run January 1, 2021 through December 31, 2023. For purposes of this program, "farming operation" includes commercial agriculture and silviculture.

Soil Health

SSB 6306 creates the soil health initiative. Funding is provided for the Department of Agriculture, the Conservation Commission and Washington State University to coordinate on creating a soil health baseline and developing best management practices for improving soil health, especially in eastern Washington. For fiscal year 2021, the Conservation Commission gets \$55,000, WSU gets \$788,000 and WSDA gets \$200,000.

Growth Management

\$350,000 is provided to the department of Commerce to convene a work group to review and make recommendations for legislation to update the growth management act in light of the road map to Washington's future report produced by the Ruckelshaus center. The task force must involve stakeholders from diverse perspectives in the process, including but not limited to representatives of counties, cities, the forestry and agricultural industries, the environmental community, Native American tribes, and state agencies. The work group must report on its activities and recommendations by December 1, 2020.

Net Ecological Gain

\$256,000 was provided for the Washington academy of sciences to complete the following activities:

(a) By December 1, 2020, submit a report to the legislature that assesses how to incorporate a net ecological gain standard into state land use, development, and environmental laws and rules to achieve a

goal of better statewide performance on ecological health and endangered species recovery, including the recovery of salmon in order to fulfill tribal treaty obligations and achieve the delisting of threatened or endangered runs. The report must address each environmental, development, or land use law or rule where the existing standard is less protective of ecological integrity than the standard of net ecological gain, including the shoreline management act, chapter 90.58 RCW; the growth management act, chapter 36.70A RCW; and construction projects in state waters regulated under 77.55 RCW.

(b) In developing the report under this subsection, the department must consult with the appropriate local governments, state agencies, federally recognized Indian tribes, and stakeholders with subject matter expertise on environmental, land use, and development laws including, but not limited to, cities, counties, ports, the department of ecology, and the department of commerce.

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>	<u>Priority</u>	<u>Position</u>
<u>EHB 2166</u> Working forest license plate Creating special license plates that support working forests.	S Rules X	Orcutt	Medium	Support
<u>SHB 2308</u> Job title reporting Requiring employers to periodically report standard occupational classifications or job titles of workers.	Del to Gov	Slatter	Low	Support
<u>E2SHB 2311</u> Greenhouse gas emissions Amending state greenhouse gas emission limits for consistency with the most recent assessment of climate change science.	Del to Gov	Slatter	Medium	Neutral
<u>E2SHB 2528</u> Forest products/climate Recognizing the contributions of the state's forest products sector as part of the state's global climate response.	Del to Gov	Ramos	High	Support
<u>SHB 2714</u> Riparian easement carbon val Valuing the carbon in forest riparian easements.	S Rules X	Hoff	High	Support
<u>SHB 2768</u> Urban and community forestry Concerning urban and community forestry.	S Rules X	Ramos	Low	Support
<u>ESSB 5323</u> Plastic bags Reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments.	Del to Gov	Das	Low	Oppose
<u>ESSB 6261</u> Farm labor contractor system Strengthening the farm labor contractor system by removing an exemption for nonprofits.	Del to Gov	McCoy	Low	Neutral
<u>SSB 6306</u> Soil health initiative Creating the Washington soil health initiative.	Del to Gov	Liias	Low	Support