
HOUSE BILL 2165

State of Washington

61st Legislature

2009 Regular Session

By Representatives Van De Wege, Haler, Blake, Kretz, McCoy, Hinkle, Ormsby, Nelson, Eddy, Hasegawa, Takko, Chase, Kenney, Warnick, and Morrell; by request of Department of Natural Resources

Read first time 02/11/09. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to authorizing the department of natural resources
2 to conduct a forest biomass energy demonstration project; amending RCW
3 76.06.150 and 43.30.020; 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.** The legislature finds that forest biomass is
7 an abundant and renewable byproduct of Washington's forest land
8 management. Forest biomass can be utilized to generate clean renewable
9 energy.

10 In some Washington forests, residual forest biomass is burned on
11 site or left to decompose. The lack of forest products markets in some
12 areas means that standing forest biomass removed for forest health and
13 wildfire risk reduction treatments must occur at substantial cost.
14 Utilizing forest biomass to generate energy can reduce the greenhouse
15 gases emitted by decomposing or burning forest biomass.

16 The legislature further finds that the emerging forest biomass
17 energy economy is challenged by: Not having a reliable supply of
18 predictably priced forest biomass feedstock; shipping and processing

1 costs; insufficient forest biomass processing infrastructure; and
2 feedstock demand.

3 The legislature finds that making use of the state's forest biomass
4 resources for energy production may generate new revenues or increase
5 asset values of state lands and state forest lands, protect forest land
6 of all ownerships from severe forest health problems, stimulate
7 Washington's economy, create green jobs, and reduce Washington's
8 dependence on foreign oil.

9 It is the intent of the legislature to support forest biomass
10 demonstration projects that employ promising processing technologies.
11 The demonstration projects must emphasize public and private forest
12 biomass feedstocks that are generated as byproducts of current forest
13 practices. The project must reveal ways to overcome the current
14 impediments to the developing forest biomass energy economy, and ways
15 to realize ecologically sustainable outcomes from that development.

16 NEW SECTION. **Sec. 2.** (1) The department may develop and implement
17 forest biomass energy demonstration projects, one east of the crest of
18 the Cascade mountains and one west of the crest of the Cascade
19 mountains. The demonstration projects must be designed to reveal the
20 utility of Washington's public and private forest biomass feedstocks,
21 create green jobs, generate renewable energy, generate revenues or
22 improve asset values for beneficiaries of state lands and state forest
23 lands, improve forest health, reduce pollution, and restore ecological
24 function.

25 (2) To develop and implement the forest biomass energy
26 demonstration projects, the department may form forest biomass energy
27 partnerships or cooperatives.

28 (3) The forest biomass energy partnerships or cooperatives are
29 encouraged to be public-private partnerships focused on convening the
30 entities necessary to grow, harvest, process, transport, and utilize
31 forest biomass to generate renewable energy. Particular focus must be
32 given to recruiting and employing emerging technologies that can
33 locally process forest biomass feedstock to create local green jobs and
34 reduce transportation costs.

35 (4) The forest biomass energy partnerships or cooperatives may
36 include, but are not limited to: Entrepreneurs or organizations
37 developing and operating emerging technology to process forest biomass;

1 industrial electricity producers; contractors capable of providing the
2 local labor needed to collect, process, and transport forest biomass
3 feedstocks; tribes; federal land management agencies; county, city, and
4 other local governments; the department of community, trade, and
5 economic development; state trust land managers; an organization
6 dedicated to protecting and strengthening the jobs, rights, and working
7 conditions of Washington's working families; accredited research
8 institution representatives; an industrial timber land manager; a small
9 forest landowner; and a not-for-profit conservation organization.

10 NEW SECTION. **Sec. 3.** By December 2010, the department shall
11 provide a progress report to the legislature regarding its efforts to
12 develop, implement, and evaluate forest biomass energy demonstration
13 projects and any other department initiatives related to forest
14 biomass. The report may include an evaluation of:

15 (1) The status of the department's abilities to secure funding,
16 partners, and other resources for the forest biomass energy
17 demonstration projects;

18 (2) The status of the biomass energy demonstration projects
19 resulting from the department's efforts;

20 (3) The status and, if applicable, additional needs of forest
21 landowners within the demonstration project areas for estimating
22 sustainable forest biomass yields and availability;

23 (4) Forest biomass feedstock supply and forest biomass market
24 demand barriers, and how they can best be overcome including actions by
25 the legislature and United States congress; and

26 (5) Sustainability measures that may be instituted by the state to
27 ensure that an increasing demand for forest biomass feedstocks does not
28 impair public resources or the ecological conditions of forests.

29 NEW SECTION. **Sec. 4.** For the purposes of implementing this act,
30 the department may seek grants or financing from the federal
31 government, industry, or philanthropists.

32 **Sec. 5.** RCW 76.06.150 and 2004 c 218 s 2 are each amended to read
33 as follows:

34 (1) The commissioner of public lands is designated as the state of
35 Washington's lead for all forest health issues.

1 (2) The commissioner of public lands shall strive to promote
2 communications between the state and the federal government regarding
3 forest land management decisions that potentially affect the health of
4 forests in Washington and will allow the state to have an influence on
5 the management of federally owned land in Washington. Such government-
6 to-government cooperation is vital if the condition of the state's
7 public and private forest lands are to be protected. These activities
8 may include, when deemed by the commissioner to be in the best interest
9 of the state:

10 (a) Representing the state's interest before all appropriate local,
11 state, and federal agencies;

12 (b) Assuming the lead state role for developing formal comments on
13 federal forest management plans that may have an impact on the health
14 of forests in Washington; (~~and~~)

15 (c) Pursuing in an expedited manner any available and appropriate
16 cooperative agreements, including cooperating agency status
17 designation, with the United States forest service and the United
18 States bureau of land management that allow for meaningful
19 participation in any federal land management plans that could affect
20 the department's strategic plan for healthy forests and effective fire
21 prevention and suppression, including the pursuit of any options
22 available for giving effect to the cooperative philosophy contained
23 within the national environmental policy act of 1969 (42 U.S.C. Sec.
24 4331); and

25 (d) Pursuing agreements with federal agencies in the service of
26 forest biomass energy partnerships and cooperatives authorized under
27 sections 2 through 4 of this act.

28 (3) The commissioner of public lands shall report to the chairs of
29 the appropriate standing committees of the legislature every year on
30 progress under this section, including the identification, if deemed
31 appropriate by the commissioner, of any needed statutory changes,
32 policy issues, or funding needs.

33 **Sec. 6.** RCW 43.30.020 and 1965 c 8 s 43.30.020 are each amended to
34 read as follows:

35 (~~For the purpose of this chapter, except where a different~~
36 ~~interpretation is required by the context:)) The definitions in this~~

1 section apply throughout this chapter unless the context clearly
2 requires otherwise.

3 (1) "Department" means the department of natural resources((+))._

4 (2) "Board" means the board of natural resources((+))._

5 (3) "Administrator" means the administrator of the department of
6 natural resources((+))._

7 (4) "Supervisor" means the supervisor of natural resources((+))._

8 (5) "Agency" and "state agency" means any branch, department, or
9 unit of the state government, however designated or constituted((+))._

10 (6) "Commissioner" means the commissioner of public lands.

11 (7) "Forest biomass" means the byproducts of: Current forest
12 practices prescribed or permitted under chapter 76.09 RCW; current
13 forest protection treatments prescribed or permitted under chapter
14 76.04 RCW; or the byproducts of forest health treatments prescribed or
15 permitted under chapter 76.06 RCW. "Forest biomass" does not include
16 wood pieces that have been treated with chemical preservatives such as:
17 Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old
18 growth forests, except wood removed for forest health treatments under
19 chapter 76.06 RCW; wood required by chapter 76.04 RCW for large woody
20 debris recruitment; or municipal solid waste.

21 NEW SECTION. Sec. 7. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 8. Sections 2 through 4 of this act are each
26 added to chapter 43.30 RCW under the subchapter heading "duties and
27 powers--forested lands."

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