

What is Washington's new Forest Health Law?

The Legislature recently amended the state's existing law governing forest health (RCW 76.06). The Department of Natural Resources (DNR) was designated as the lead agency responsible for implementing a comprehensive program to improve forest health statewide. Rather than address the entire state at once, DNR selected Stevens County as the location for a pilot project. Stevens County was selected because of its broad landownership pattern, existing forest health problems, existing markets for wood products, and working relationships among stakeholders. The Stevens County pilot will serve as the 'trial run' and template to be tested and adapted for other parts of the state.

What does the new law accomplish?

Primary Goal:

DNR has many ongoing programs that can assist with the assessment and management of forest health. Detecting and responding to insect infestation, diseases, overcrowding, and other sources of risk to landowner objectives, are all services the DNR has to offer, along with helping to identify management options. The new law's primary goal and first priority was to expand and improve these services. Better forest health problem detection, better distribution of information and assistance, and better coordination between all landowners are focal points of the law.

The new law placed added emphasis on coordination with federal and tribal land managers on a government-to-government basis, so that conditions can be improved across large landscapes. You may hear these education, outreach, detection, and voluntary management planning activities collectively referred-to as "Tier 1" of the legislation.

The desired forest health status in Washington is to become so adept at preventative, voluntary activities under Tier 1 that no other portion of the legislation is needed.

Recognizing that we live in an imperfect world, the new law also makes provisions for situations when forest health conditions in an area deteriorate despite the best efforts of DNR and landowners to implement preventative forest health improvements. A technical advisory committee, comprised of forest management practitioners and scientific experts, would be appointed to evaluate forest health threats and potential remedial actions. Upon the committee's recommendation, the Commissioner of Public Lands may issue a "forest health hazard warning." Collectively, these activities may be referred-to as "Tier 2," and are still voluntary although they represent a more formal process than Tier 1.

Regulatory action as last resort:

If forest conditions continue to deteriorate and a substantial number of dead trees are likely to accumulate, the technical committee can consult with local government, forest landowners, and other interested parties, convene public hearings, and then make a recommendation to the Commissioner as to whether a "forest health hazard order" should be issued. An order would consist of identifying the forest health threat in a specific area, and suggested remedial actions and timeframes. Failing to take actions under an order potentially incurs landowner liability for fire suppression costs if a wildfire should occur. The law provides a formal appeal and mitigation process for affected landowners. This stage of the law is the absolute last resort, and may be referred-to as "Tier 3."

Where are we now?

Initial meetings have been held, and more are planned, for the pilot project in Stevens County. DNR is exploring ways to implement the recommendations of prior forest health planning

efforts, like gathering data on forest conditions, connecting effectively with landowners of all types, and improving our service delivery. All efforts are focused on “Tier 1” service activities.

What is “forest health”?

The law defined “forest health” broadly as: *the condition of a forest being sound in ecological function, sustainable, resilient, and resistant to insects, diseases, fire and other disturbance, and having the capacity to meet landowner objectives.*

How will the law be applied across different jurisdictions?

Resolving this question is among the primary goals of the Stevens County pilot project. No one-size-fits-all solution will satisfy the forest health objectives of diverse landowners. The DNR is taking on a new role to coordinate and support cooperative forest health projects across multiple land ownerships.

How does the forest health law intersect with other laws and regulations?

Forest Practices, riparian protections, Habitat Conservation Plans, and basic landowner objectives are not altered by the forest health law. Where these regulations may not have explicitly considered forest health in the past, we will work to smooth-out differences while preserving the integrity of essential environmental protections.

Will I come home one day to find that DNR has ‘condemned’ my forest?

Of course not. The purpose of the law is to provide better tools for landowners to address forest health, not to impose the government’s will upon them. For many small landowners, navigating the maze of regulations can be confusing and difficult, and some forest health treatments can cost money. This is why “Tier 1” focuses on detection, information, technical assistance, and working across landscapes.

Beetles came onto my property from the Forest Service or DNR lands, it’s not my fault!

The forest health law, and DNR’s mandate to administer it, recognizes that forest health problems do not respect property boundaries. Many times, large insect and disease outbreaks start on one ownership and spread to another. This is why the law also requires DNR to take a more active role in federal land management decision processes. This is also why DNR was granted new contracting authorities that allow economically marginal forest health treatments to occur on forested state trust lands. A concerted effort will be made to improve forest conditions on public lands, and no landowner will be “penalized” for problems that originated elsewhere.

Who can I contact with questions about the Stevens County pilot project?

Karen Ripley, DNR, Forest Health Program Manager: (360) 902-1691
Maurice Williamson, Williamson Consulting, Logistics Coordinator: (509) 684-7474

Who can I contact to request a site visit to my property in Stevens County?

Steve DeCook, DNR, Small Forest Landowner Office: (509) 684-7474
Ken Hendricks, DNR, Stewardship Forester: (509) 684-7474

Who can I contact to help identify a forest insect or disease?

Mike Johnson, DNR, Forest Health Specialist: (509) 684-7474

Who can I contact about government-to-government relations and other policy issues?

Aaron Everett, DNR, Forest Health Policy Specialist: (360) 902-1384