

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 614

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO FORESTS; AMENDING TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW
2 CHAPTER 17, TITLE 38, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE
3 FINDINGS AND POLICY, TO PROVIDE FOR DUTIES AND AUTHORITY, AND TO PROVIDE
4 FOR GOOD NEIGHBOR AUTHORITY ACCOUNTS; AMENDING SECTION 38-102, IDAHO
5 CODE, TO REVISE PROVISIONS REGARDING THE DUTIES OF THE DIRECTOR OF THE
6 DEPARTMENT OF LANDS; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE
7 ADDITION OF A NEW SECTION 38-137, IDAHO CODE, TO PROVIDE FOR GOOD NEIGH-
8 BOR AUTHORITY ACCOUNTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
9 FECTIVE DATE.
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11 Be It Enacted by the Legislature of the State of Idaho:

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

15 CHAPTER 17

16 SUSTAINABLE MANAGEMENT OF NATIONAL FORESTS

17 38-1701. SHORT TITLE. This chapter shall be known and may be cited as
18 the "Sustainable Management of National Forests Act."

19 38-1702. FINDINGS AND POLICY. (1) The legislature finds that the sus-
20 tainable management of national forests in Idaho is vital to conserving the
21 state's natural resources and its economic and ecological potential for the
22 benefit of all Idahoans.

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

27 (3) The legislature finds that sustainable forest stewardship and man-
28 agement of Idaho's national forests requires a balanced approach that en-
29 sures a stable timber supply, active restoration, healthy watersheds, fish
30 and wildlife habitat, areas for natural processes, and allowances for multi-
31 ple uses.

32 (4) The legislature finds that:

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

36 (b) The water supplies of some of the state's most populous cities and
37 surrounding areas originate in federally managed watersheds that are at
38 risk for catastrophic wildfire, the severity of which could be reduced
39 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 ACCOUNTS -- USES. (1) The good neigh-
 2 bor authority accounts established in section 38-137, Idaho Code, shall be
 3 administered 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 appropriate good neighbor authority account.

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 appropriate good neighbor au-
 11 thority account.

12 (c) Federal funds received by the state through good neighbor agree-
 13 ments with the federal government shall be deposited in the appropriate
 14 good neighbor authority account.

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

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

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

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

1 38-137. GOOD NEIGHBOR AUTHORITY ACCOUNTS. There is hereby created in
2 the state treasury good neighbor authority accounts into which shall be paid
3 the state proceeds, money received by the state, and federal funds received
4 by the state, as provided in section 38-1704, Idaho Code.

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