
SENATE BILL 5873

State of Washington

66th Legislature

2019 Regular Session

By Senators Hawkins and Van De Wege

1 AN ACT Relating to community forests; and adding a new chapter to
2 Title 79 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) Rural lands and communities are important to Washington's
6 economy, its people, and its environment, and rural-based economies
7 enhance the economic desirability of the state, help to preserve
8 traditional economic activities, and contribute to the state's
9 overall quality of life.

10 (b) Rural communities of diverse types and sizes rely on the
11 economic benefits of a forest, including timber and nontimber
12 products, forest management and forest products manufacturing jobs,
13 reliable revenues to fund public services, and recreational tourism.
14 These economic benefits can be enhanced by community-based ownership
15 and management of locally important forestland;

16 (c) Forests provide many public benefits and play an essential
17 role in public health, including providing clean air and water,
18 managing stormwater, and protecting public water supplies;

19 (d) Forests are often core to cultural traditions and quality of
20 life, including hunting, fishing, gathering, foraging, and
21 recreating;

1 (e) Forests serve all people in the state by mitigating climate
2 change and enhancing climate resilience of local communities by
3 sequestering carbon, reducing flood risk from significant weather
4 events, lowering water and air temperatures, and providing refugia
5 for fish and wildlife;

6 (f) Community-oriented forests can provide important
7 opportunities for experiential learning, including K-12 conservation
8 education, vocational education programs in forestry and
9 conservation, and providing demonstration sites for sustainable
10 forest management techniques; and

11 (g) The beneficial relationships between local communities and
12 forests are at risk, including from changes in ownership, management,
13 or land use that have a detrimental impact on the economic condition,
14 public health, recreational activities, or cultural heritage of a
15 community.

16 (2) It is therefore the policy of the state to empower local
17 communities to establish community forests by acquiring land and
18 managing them as forestland for community benefits.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply
20 throughout this chapter unless the context clearly requires
21 otherwise.

22 (1) "Account" means the community forestland account created in
23 section 3 of this act.

24 (2) "Acquisition" means the purchase on a willing seller basis of
25 a fee simple or less than fee simple interest in real property. A
26 less than fee simple interest in real property includes, but is not
27 limited to, options, rights of first refusal, conservation easements,
28 leases, timber rights, mineral rights, and water rights.

29 (3) "Community forest management plan" means a tract-specific
30 plan developed with community involvement that guides the management
31 and use of a community forest and includes the following components:

32 (a) A description of all land tracts, including acreage and
33 county location, tax assessment, land use, forest type, and
34 vegetation cover;

35 (b) Objectives for the community forest and strategies to
36 implement those objectives;

37 (c) A description of the long-term use and management of the
38 property;

1 (d) Community benefits to be achieved from the establishment of
2 the community forest;

3 (e) The role of a community forest in meeting goals of local land
4 use plan, watershed plan, or habitat conservation plan;

5 (f) A description of planned timber harvests subject to the state
6 forest practices act according to chapter 76.09 RCW;

7 (g) A description of ongoing activities that promote community
8 involvement in the development and implementation of the community
9 forest management plan;

10 (h) Plans for the utilization or demolition of existing
11 structures and proposed needs for further improvements;

12 (i) A description of public access and the rationale for any
13 limitations on public access, such as protection of cultural or
14 natural resources or public health and safety concerns;

15 (j) Maps of sufficient scale to show the location of the property
16 in relation to roads, communities, and other improvements as well as
17 nearby parks, refuges, or other protected lands and any additional
18 maps required to display planned management activities; and

19 (k) A proposed operations plan that shows that the community
20 forest project is at least capable of generating revenue at levels
21 that are, in the long-term and taking into consideration
22 philanthropic donations and endowments, capable of reimbursing
23 management costs.

24 (4) "Confer" means a dialogue between sponsors and local county
25 and city officials with the purpose of early review of potential
26 projects. The dialogue may include any matter relevant to a
27 particular project, which may include but need not be limited to:
28 Project purpose and scope; project elements; estimated project cost;
29 costs and benefits to the community; plans for project management and
30 maintenance; and public access.

31 (5) "Department" means the department of natural resources.

32 (6) "Local agencies" includes a city, county, town, special
33 purpose district, port district, or other political subdivision of
34 the state providing services to less than the entire state.

35 (7) "Qualified nonprofit organization" means a nonprofit nature
36 conservancy corporation or association as defined in RCW 84.34.250.

37 (8) "Sponsor" includes state agencies, local agencies, tribes,
38 and qualified nonprofit organizations that are permitted to apply for
39 funds for the acquisition and development of community forests under
40 this chapter.

1 (9) "State agencies" includes the state parks and recreation
2 commission, the department of natural resources, the department of
3 enterprise services, the state conservation commission, and the
4 department of fish and wildlife.

5 (10) "Tribes" means any Indian tribe whose traditional lands and
6 territories included parts of the state.

7 NEW SECTION. **Sec. 3.** (1)(a) The community forestland account is
8 established in the state treasury. All receipts from moneys
9 appropriated to the account must be deposited in the account. Moneys
10 in the account may only be spent after appropriation. The department
11 shall administer the account in accordance with this chapter and
12 shall allocate moneys deposited in the account in accordance with the
13 community forest grant program described in this chapter.

14 (b) Moneys appropriated to the account that are not obligated to
15 a specific project may be used to fund projects from lists of
16 alternate projects in biennia succeeding the biennium in which the
17 moneys were originally appropriated.

18 (2) The department may retain a portion of the funds appropriated
19 to the account for the administration of the programs and purposes
20 specified in this chapter. The portion of the funds retained for
21 administration may not be more than fifteen percent of the funds
22 appropriated.

23 NEW SECTION. **Sec. 4.** (1) The department shall adopt rules for
24 distributions from the account consistent with this chapter,
25 including criteria to be used for the identification and
26 prioritization of forestland that is suitable for funding under the
27 community forest grant program.

28 (2) State agencies, local agencies, tribes, and qualified
29 nonprofit organizations may apply for funds for the acquisition,
30 development, and restoration activities of community forest projects
31 under this chapter.

32 (3) All applicants shall confer with the county or city with
33 jurisdiction over the project area prior to applying for funds for
34 the acquisition of property under this chapter. To the extent
35 possible, projects awarded funding under this chapter should be
36 consistent with local land use plans or a regional, statewide, or
37 federal recreational or integrated resource enhancement plan.

1 (4) All land acquired under this chapter with funding from the
2 account must be by a voluntary transaction. Eligible applicants must
3 engage in a fair and transparent consultation with the existing
4 landowner in land acquisition negotiations, including a landowner
5 acknowledgment of a state funding request to support acquisition
6 goals to be considered in the application process.

7 (5) At a minimum, a sponsor must provide at least fifteen percent
8 matching funds. The department may adopt higher match requirements or
9 criteria to value a higher match in the ranking process.

10 (6) The community forest grant program must be managed consistent
11 with the following community forest principles:

12 (a) A community forest is owned and managed by or on behalf of a
13 local community;

14 (b) The governance structure of a community forest ensures
15 collaboration and community participation in, and responsibility for,
16 management decisions and the allocation of revenue generated from the
17 forest;

18 (c) The community has secure and reliable access to the values
19 and benefits of the forest;

20 (d) The forest is managed in accordance with a community forest
21 management plan; and

22 (e) The conservation values of the forest ecosystem are protected
23 and incorporated into a community forest management plan.

24 (7) The types of benefits that may accrue to a community from a
25 community forest include, but are not limited to, the following:

26 (a) Economic benefits, such as timber and nontimber products and
27 jobs;

28 (b) Environmental benefits, including clean air and water,
29 stormwater management, and wildlife habitat;

30 (c) Benefits from forest-based experiential learning, including:
31 K-12 conservation education programs; vocational education programs
32 in disciplines such as forestry and environmental biology; and
33 environmental education through individual study or organized
34 programs of study;

35 (d) Benefits from providing stewardship support to other small
36 forest holdings;

37 (e) Benefits from recreational and culturally important
38 activities such as hiking, hunting, and fishing.

39 (8) It is presumed that community forests serve the public
40 interest if they have been established through an inclusive,

1 collaborative process, and are managed in accordance with the
2 community forest principles and other requirements of this chapter.
3 For any project awarded funding under this chapter, a deed of right
4 must convey to the people of the state of Washington the rights to
5 preserve, protect, and use the property for public purposes
6 consistent with this chapter. Any action or inaction inconsistent
7 with this deed of right must be treated as a conversion subject to
8 the rules and procedures developed by the department pursuant to
9 subsection (9) of this section.

10 (9) Property or property interests acquired with moneys
11 appropriated from the account for this chapter may not, without prior
12 approval of the department, be converted to a use other than that for
13 which funds were originally approved. The department shall adopt
14 rules and procedures governing the approval of such a conversion.

15 (10) Any revenue produced from property funded by this chapter
16 must be allocated as follows: (a) First, in support of the property
17 management objectives identified in the community forest management
18 plan; (b) second, in support of other activities that generate or
19 reinforce one or more of the community benefits identified in this
20 section, which may include land acquisitions that expand the
21 community forest, investments in forest products or water
22 infrastructure, and activities and outreach that increase involvement
23 in the community forest; and (c) third, in furtherance of other
24 activities having a direct benefit to local communities and the
25 general public, which may include investments in public
26 infrastructure, schools, and roads.

27 (11) The ownership of property acquired with funding from this
28 program may be transferred, without compensation, to another owner
29 that is eligible to be a sponsor under this chapter. However, the
30 department must approve the transfer and the new owner must become
31 the sponsor under a new or amended funding agreement prior to any
32 transfer of ownership. No owner is permitted to sell or market
33 property acquired with funding from this program.

34 NEW SECTION. **Sec. 5.** Before November 1st of each even-numbered
35 year, the department shall recommend to the governor a prioritized
36 list of all projects to be funded consistent with this chapter. The
37 governor may remove projects from the list recommended by the
38 department and shall submit this amended list in the capital budget
39 request to the legislature. The list must include, but not be limited

1 to, a description of each project, any particular match provided, and
2 any project-specific restrictions to public access.

3 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
4 constitute a new chapter in Title 79 RCW.

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