
SUBSTITUTE SENATE BILL 5873

State of Washington

66th Legislature

2019 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Hawkins and Van De Wege)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to establishing a community forests pilot
2 project; adding a new chapter to Title 79 RCW; and providing
3 expiration dates.

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

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

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

11 (b) Rural communities of diverse types and sizes rely on the many
12 benefits that forests provide, including forest-based economies,
13 forest products, clean air and water, cultural traditions,
14 recreation, climate resilience, wildlife habitat, and important
15 opportunities for experiential learning and education.

16 (c) The beneficial relationships between local communities and
17 forests are at risk, including from changes in ownership, management,
18 or land use that have a detrimental impact on the economic condition,
19 public health, recreational activities, or cultural heritage of a
20 community.

1 (2) It is therefore the policy of the state to establish a pilot
2 program to fund community forest projects to empower local
3 communities to establish community forests by acquiring land and
4 managing them as forestland for community benefits and demonstrate
5 the feasibility of establishing an ongoing competitive grant program.

6 (3) This section expires June 30, 2025.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply
8 throughout this chapter unless the context clearly requires
9 otherwise.

10 (1) "Acquisition" means the purchase on a willing seller basis of
11 a fee simple or less than fee simple interest in real property. A
12 less than fee simple interest in real property includes, but is not
13 limited to, options, rights of first refusal, conservation easements,
14 leases, timber rights, mineral rights, and water rights.

15 (2) "Community forest management plan" means a tract-specific
16 plan developed with community involvement that guides the management
17 and use of a community forest and includes the following components:

18 (a) A description of all land tracts, including acreage and
19 county location, tax assessment, land use, forest type, and
20 vegetation cover;

21 (b) Objectives for the community forest and strategies to
22 implement those objectives;

23 (c) A description of the long-term use and management of the
24 property;

25 (d) Community benefits to be achieved from the establishment of
26 the community forest;

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

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

31 (g) A description of ongoing activities that promote community
32 involvement in the development and implementation of the community
33 forest management plan;

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

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

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

5 (k) A proposed operations plan that shows that the community
6 forest project is at least capable of generating revenue at levels
7 that are, in the long-term and taking into consideration
8 philanthropic donations and endowments, capable of reimbursing
9 management costs.

10 (3) "Department" means the department of natural resources.

11 (4) "Sponsor" includes state agencies, local agencies, tribes,
12 and qualified nonprofit organizations that are permitted to apply for
13 funds for the acquisition and development of community forests under
14 this pilot program.

15 (5) This section expires June 30, 2025.

16 NEW SECTION. **Sec. 3.** (1) The department shall, subject to the
17 availability of amounts appropriated for this specific purpose,
18 establish a pilot community forest program that includes the highest
19 scoring projects from the prioritized list of nonstate owned
20 community forest projects developed pursuant to section 3063, chapter
21 298, Laws of 2018.

22 (2) To the extent deemed necessary by the department, additional
23 nonstate owned community forest may be included in this pilot program
24 in subsequent biennia for acquisition funding or reporting purposes
25 useful for informing the creation of a competitive grant program. The
26 department shall develop procedures for the inclusion of additional
27 projects in this pilot program.

28 (3) In the case of any proposed expansion of the pilot program to
29 include additional projects, the department shall confer with the
30 county or city with jurisdiction over the project area as well as
31 local stakeholders prior to seeking funds for the acquisition of
32 property under this pilot program.

33 (4) All land acquired under this pilot program with funding from
34 the account must be by a voluntary transaction. Eligible applicants
35 must engage in a fair and transparent consultation with the existing
36 landowner in land acquisition negotiations, including a landowner
37 acknowledgment of a state funding request to support acquisition
38 goals to be considered in the application process.

1 (5) At a minimum, a sponsor must provide at least fifteen percent
2 matching funds.

3 (6) The projects supported under the community forest pilot
4 program must be managed consistent with the following community
5 forest principles:

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

8 (b) The governance structure of a community forest ensures
9 collaboration and community participation in, and responsibility for,
10 management decisions and the allocation of revenue generated from the
11 forest;

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

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

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

18 (7) The types of benefits that may accrue to a community from a
19 community forest include, but are not limited to, the following:
20 Economic benefits from timber and nontimber jobs; clean air and
21 water; forest-based experiential learning; stewardship support to
22 other small forest landowners; wildlife habitat; and recreation and
23 culturally important activities.

24 (8) It is presumed that community forests serve the public
25 interest if they have been established through an inclusive,
26 collaborative process, and are managed in accordance with the
27 community forest principles and other requirements of this pilot
28 program. For any project awarded funding under this pilot program, a
29 deed of right must convey to the people of the state of Washington
30 the rights to preserve, protect, and use the property for public
31 purposes consistent with this pilot program. Any action or inaction
32 inconsistent with this deed of right must be treated as a conversion
33 subject to the rules and procedures developed by the department
34 pursuant to subsection (9) of this section.

35 (9) Property or property interests acquired under this pilot may
36 not, without prior approval of the department, be converted to a use
37 other than that for which funds were originally approved. The
38 department shall adopt procedures governing the approval of such a
39 conversion.

1 (10) Any revenue produced from property funded by this pilot
2 program must be retained and reinvested locally and allocated as
3 follows:

4 (a) In support of the property management objectives identified
5 in the community forest management plan;

6 (b) In support of other activities that generate or reinforce one
7 or more of the community benefits identified in this section; and

8 (c) In furtherance of other activities having a direct benefit to
9 local communities and the general public.

10 (11) This section expires June 30, 2025.

11 NEW SECTION. **Sec. 4.** (1) The department must, consistent with
12 RCW 43.01.036, submit a biannual report to the legislature for the
13 duration of the pilot program. The first report is due October 31,
14 2020. The reports must summarize the outcomes of the community forest
15 pilot program created under this chapter.

16 (2) The report required under this section must at least include:

17 (a) A breakdown of the number of the total acreage, types of
18 grantees, and preacquisition status, additional fund-raising support
19 and use of land purchased under this pilot program;

20 (b) Total or expected revenue derived from each community forest,
21 total timber harvest excise taxes paid by each community forest, and
22 nontimber revenues and general use of revenues;

23 (c) Other economic and public benefits considerations, the
24 retention forests, forest health treatments, access to recreation
25 space, jobs supported, enterprise development, and other community
26 wealth building activities that result from community forest
27 activities; and

28 (d) Recommendations for developing an ongoing competitive
29 community forest grant program.

30 (3) This section expires June 30, 2025.

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

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