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**SECOND SUBSTITUTE SENATE BILL 5873**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Hawkins and Van De Wege)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to establishing a community forests pilot  
2 project; amending RCW 79.10.030; adding new sections to chapter  
3 79A.25 RCW; and providing 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 sections 1 through 4 of this act unless the context  
9 clearly requires 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) "Board" means the recreation and conservation funding board.

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

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

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

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

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

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

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

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

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

37 (i) A description of public access and the rationale for any  
38 limitations on public access, such as protection of cultural or  
39 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 (4) "Confer" means a dialogue between sponsors and local county  
11 and city officials with the purpose of early review of potential  
12 projects. The dialogue may include any matter relevant to a  
13 particular project, which may include but need not be limited to:  
14 Project purpose and scope; project elements; estimated project cost;  
15 costs and benefits to the community; plans for project management and  
16 maintenance; and public access.

17 (5) "Local agencies" includes a city, county, town, special  
18 purpose district, port district, or other political subdivision of  
19 the state providing services to less than the entire state.

20 (6) "Qualified nonprofit organization" means a nonprofit nature  
21 conservancy corporation or association as defined in RCW 84.34.250.

22 (7) "Sponsor" includes state agencies, local agencies, tribes,  
23 and qualified nonprofit organizations that are permitted to apply for  
24 funds for the acquisition and development of community forests under  
25 this pilot program.

26 (8) "State agencies" includes the state parks and recreation  
27 commission, the department of natural resources, the department of  
28 enterprise services, the state conservation commission, and the  
29 department of fish and wildlife.

30 (9) "Tribes" means any Indian tribe whose traditional lands and  
31 territories included parts of the state.

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

33 NEW SECTION. **Sec. 3.** (1) The board shall, subject to the  
34 availability of amounts appropriated for this specific purpose,  
35 establish a pilot community forest program that includes the highest  
36 scoring projects from the prioritized list of nonstate owned  
37 community forest projects developed pursuant to section 3063, chapter  
38 298, Laws of 2018.

1 (2) State agencies, local agencies, tribes, and qualified  
2 nonprofit organizations may apply for funds for the acquisition,  
3 development, and restoration activities of community forest projects.

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

10 (4) To the extent deemed necessary by the board, additional  
11 nonstate owned community forest may be included in this pilot program  
12 in subsequent biennia for acquisition funding or reporting purposes  
13 useful for informing the creation of a competitive grant program. The  
14 board shall develop procedures for the inclusion of additional  
15 projects in this pilot program.

16 (5) All land acquired by a sponsor under this pilot program must  
17 be by a voluntary transaction. Eligible applicants must engage in a  
18 fair and transparent consultation with the existing landowner in land  
19 acquisition negotiations, including a landowner acknowledgment of a  
20 state funding request to support acquisition goals to be considered  
21 in the application process.

22 (6) At a minimum, a sponsor must provide at least fifteen percent  
23 matching funds.

24 (7) The projects supported under the community forest pilot  
25 program must be managed consistent with the following community  
26 forest principles:

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

29 (b) The governance structure of a community forest ensures  
30 collaboration and community participation in, and responsibility for,  
31 management decisions and the allocation of revenue generated from the  
32 forest;

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

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

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

39 (8) The types of benefits that may accrue to a community from a  
40 community forest include, but are not limited to, the following:

1 Economic benefits from timber and nontimber jobs; clean air and  
2 water; forest-based experiential learning; stewardship support to  
3 other small forest landowners; wildlife habitat; and recreation and  
4 culturally important activities.

5 (9) It is presumed that community forests serve the public  
6 interest if they have been established through an inclusive,  
7 collaborative process, and are managed in accordance with the  
8 community forest principles and other requirements of this pilot  
9 program. For any project awarded funding under this pilot program, a  
10 deed of right must convey to the people of the state of Washington  
11 the rights to preserve, protect, and use the property for public  
12 purposes consistent with this pilot program. Any action or inaction  
13 inconsistent with this deed of right must be treated as a conversion  
14 subject to the rules and procedures developed by the board pursuant  
15 to subsection (10) of this section.

16 (10) Property or property interests acquired under this pilot may  
17 not, without prior approval of the board, be converted to a use other  
18 than that for which funds were originally approved, including selling  
19 or subdividing property. The board shall adopt procedures governing  
20 the approval of such a conversion. If the land is not, or ceases to  
21 be, used for a community forest, the land shall be conveyed to the  
22 state under RCW 79.10.030.

23 (11) Any revenue produced from property funded by this pilot  
24 program must be retained and reinvested locally and allocated as  
25 follows:

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

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

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

32 (12) This section expires June 30, 2025.

33 NEW SECTION. **Sec. 4.** (1) The board must, consistent with RCW  
34 43.01.036, submit a biannual report to the legislature for the  
35 duration of the pilot program. The first report is due October 31,  
36 2020. The reports must summarize the outcomes of the community forest  
37 pilot program created under this chapter.

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

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

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

7 (c) Other economic and public benefits considerations, the  
8 retention forests, forest health treatments, access to recreation  
9 space, jobs supported, enterprise development, and other community  
10 wealth building activities that result from community forest  
11 activities; and

12 (d) Recommendations for developing an ongoing competitive  
13 community forest grant program.

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

15 **Sec. 5.** RCW 79.10.030 and 2003 c 334 s 398 are each amended to  
16 read as follows:

17 (1) Except as provided in subsection (2) of this section, the  
18 department shall manage and control all lands acquired by the state  
19 by escheat or under RCW 79.19.010 through 79.19.110, or received  
20 under section 3 of this act, and all lands acquired by the state by  
21 deed of sale or gift or by devise, except such lands which are  
22 conveyed or devised to the state to be used for a particular purpose.

23 (2) When land is acquired by the state by escheat which because  
24 of its location or features may be suitable for park purposes, the  
25 department shall notify the state parks and recreation commission.  
26 The department and the commission shall jointly evaluate the land for  
27 its suitability for park purposes, based upon the features of the  
28 land and the need for park facilities in the vicinity. Where the  
29 department and commission determine that such land is suitable for  
30 park purposes, it shall be offered for transfer to the commission,  
31 or, in the event that the commission declines to accept the land, to  
32 the local jurisdiction providing park facilities in that area. When  
33 so offered, the payment required by the recipient agency shall not  
34 exceed the costs incurred by the department in managing and  
35 protecting the land since receipt by the state.

36 (3) The department may review lands acquired by escheat since  
37 January 1, 1983, for their suitability for park purposes, and apply  
38 the evaluation and transfer procedures authorized by subsection (2)  
39 of this section.

1        NEW SECTION.    **Sec. 6.**    Sections 1 through 4 of this act are each  
2    added to chapter 79A.25 RCW.

--- **END** ---