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**SUBSTITUTE HOUSE BILL 1600**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Hunt, B. Sullivan, McCoy, Williams, Appleton, Chase, Hasegawa, Dickerson, Wood, Simpson and Pedersen)

READ FIRST TIME 2/28/07.

1       AN ACT Relating to ancestral trees; amending RCW 79.02.010,  
2 79.15.010, 79.15.510, and 79.15.510; adding new sections to chapter  
3 79.15 RCW; providing an effective date; and providing an expiration  
4 date.

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

6       **Sec. 1.** RCW 79.02.010 and 2004 c 199 s 201 are each amended to  
7 read as follows:

8       The definitions in this section apply throughout this title unless  
9 the context clearly requires otherwise.

10       (1) "Aquatic lands" means all state-owned tidelands, shorelands,  
11 harbor areas, and the beds of navigable waters as defined in (~~chapter~~  
12 ~~79.90~~) RCW 79.105.060 that are administered by the department.

13       (2) "Ancestral trees" means a contiguous stand of trees of similar  
14 characteristics that:

15       (a) Is five acres or larger in size;

16       (b) Is in the most structurally complex stage of stand development;

17 and

18       (c) Has a natural origin date prior to the year 1850.

19       (3) "Board" means the board of natural resources.

1           ~~((3))~~ (4) "Commissioner" means the commissioner of public lands.  
2           ~~((4))~~ (5) "Community and technical college forest reserve lands"  
3 means lands managed under RCW 79.02.420.  
4           ~~((5))~~ (6) "Department" means the department of natural resources.  
5           ~~((6))~~ (7) "Improvements" means anything considered a fixture in  
6 law placed upon or attached to lands administered by the department  
7 that has changed the value of the lands or any changes in the previous  
8 condition of the fixtures that changes the value of the lands.  
9           ~~((7))~~ (8) "Land bank lands" means lands acquired under RCW  
10 79.19.020.  
11           ~~((8))~~ (9) "Person" means an individual, partnership, corporation,  
12 association, organization, cooperative, public or municipal  
13 corporation, or agency of a federal, state, or local governmental unit,  
14 however designated.  
15           ~~((9))~~ (10) "Public lands" means lands of the state of Washington  
16 administered by the department including but not limited to state  
17 lands, state forest lands, and aquatic lands.  
18           ~~((10))~~ (11) "State forest lands" means lands acquired under RCW  
19 79.22.010, 79.22.040, and 79.22.020.  
20           ~~((11))~~ (12) "State lands" includes:  
21           (a) School lands, that is, lands held in trust for the support of  
22 the common schools;  
23           (b) University lands, that is, lands held in trust for university  
24 purposes;  
25           (c) Agricultural college lands, that is, lands held in trust for  
26 the use and support of agricultural colleges;  
27           (d) Scientific school lands, that is, lands held in trust for the  
28 establishment and maintenance of a scientific school;  
29           (e) Normal school lands, that is, lands held in trust for state  
30 normal schools;  
31           (f) Capitol building lands, that is, lands held in trust for the  
32 purpose of erecting public buildings at the state capital for  
33 legislative, executive, and judicial purposes;  
34           (g) Institutional lands, that is, lands held in trust for state  
35 charitable, educational, penal, and reformatory institutions; and  
36           (h) Land bank, escheat, donations, and all other lands, except  
37 aquatic lands, administered by the department that are not devoted to  
38 or reserved for a particular use by law.

1        (~~(12)~~) (13) "Valuable materials" means any product or material on  
2 the lands, such as forest products, forage or agricultural crops,  
3 stone, gravel, sand, peat, and all other materials of value except  
4 mineral, coal, petroleum, and gas as provided for under chapter 79.14  
5 RCW.

6        **Sec. 2.** RCW 79.15.010 and 2003 c 334 s 331 are each amended to  
7 read as follows:

8        (1) Except as provided in section 3 of this act, valuable materials  
9 situated upon state lands and state forest lands may be sold separate  
10 from the land, when in the judgment of the department, it is for the  
11 best interest of the state so to sell the same.

12        (2) Sales of valuable materials from any university lands require:

13        (a) The consent of the board of regents of the University of  
14 Washington; or

15        (b) Legislative directive.

16        (3) When application is made for the purchase of any valuable  
17 materials, the department shall appraise the value of the valuable  
18 materials if the department determines it is in the best interest of  
19 the state to sell. No valuable materials shall be sold for less than  
20 the appraised value thereof.

21        NEW SECTION. **Sec. 3.** A new section is added to chapter 79.15 RCW  
22 to read as follows:

23        (1) Except as otherwise provided in section 4 of this act, the  
24 department may not offer for sale, sell, or harvest any ancestral trees  
25 located on public lands west of the crest of the Cascade mountains,  
26 unless:

27        (a) The operation is specifically authorized by the board prior to  
28 sale or harvest, consistent with this section; or

29        (b) The operation is conducted solely within the borders of the  
30 Olympic experimental state forest and is consistent with the habitat  
31 conservation plan for the Olympic experimental state forest.

32        (2) The board may only authorize the sale or harvest of ancestral  
33 trees located on public lands after making a formal finding that some  
34 harvest is necessary to preserve the health and safety of other  
35 ancestral trees in the immediate area, to protect public safety, to

1 enhance overall forest health in the stand containing the ancestral  
2 trees, or to meet the demands of other special circumstances.

3 (3) It is the intent of the legislature that the appropriate trust  
4 receive full market value compensation for permanent protection of  
5 ancestral trees pursuant to this section. To achieve this intent, the  
6 board shall prioritize lands containing ancestral trees for either  
7 transfer out of trust status or another means of securing compensation  
8 for permanent protection of ancestral trees. In either case the board  
9 must ensure that:

10 (a) The appropriate trust will receive full market value for the  
11 transferred lands;

12 (b) The transfer is in the best interest of the trust being  
13 managed; and

14 (c) The ancestral trees transferred from trust status remain in an  
15 ownership compatible with permanent protection.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 79.15 RCW  
17 to read as follows:

18 The prohibition on the sale, sell, or harvest of ancestral trees  
19 contained in section 3 of this act shall be suspended by the  
20 commissioner if at any time the commissioner determines that the  
21 application of section 3 of this act would result in more than one  
22 thousand acres of public lands being reserved from harvest than were  
23 deferred under regulatory or habitat conservation plan strategies in  
24 effect as of January 1, 2007.

25 **Sec. 5.** RCW 79.15.510 and 2004 c 218 s 6 are each amended to read  
26 as follows:

27 (1) The department may establish a contract harvesting program for  
28 directly contracting for the removal of timber, consistent with section  
29 3 of this act, and other valuable materials from state lands and for  
30 conducting silvicultural treatments consistent with RCW 79.15.540.

31 (2) The contract requirements must be compatible with the office of  
32 financial management's guide to public service contracts.

33 (3) The department may not use contract harvesting for more than  
34 ten percent of the total annual volume of timber offered for sale.  
35 However, volume removed primarily to address an identified forest

1 health issue under RCW 79.15.540 may not be included in calculating the  
2 ten percent annual limit of contract harvesting sales.

3 **Sec. 6.** RCW 79.15.510 and 2003 c 313 s 3 are each amended to read  
4 as follows:

5 (1) The department may establish a contract harvesting program by  
6 directly contracting for the removal of timber, consistent with section  
7 3 of this act, and other valuable materials from state lands.

8 (2) The contract requirements must be compatible with the office of  
9 financial management's guide to public service contracts.

10 (3) The department may not use contract harvesting for more than  
11 ten percent of the total annual volume of timber offered for sale.

12 NEW SECTION. **Sec. 7.** Section 5 of this act expires December 31,  
13 2007.

14 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect December  
15 31, 2007.

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