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**SENATE BILL 5873**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Hawkins and Van De Wege

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  Before November 1st of each even-numbered year, the department shall recommend to the governor a prioritized list of all projects to be funded consistent with this chapter. The governor may remove projects from the list recommended by the department and shall submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project, any particular match provided, and any project-specific restrictions to public access.

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

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