
HOUSE BILL 1600

State of Washington 60th Legislature 2007 Regular Session

By Representatives Hunt, B. Sullivan, McCoy, Williams, Appleton, Chase, Hasegawa, Dickerson, Wood, Simpson and Pedersen

Read first time 01/24/2007. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to ancestral trees; amending RCW 79.02.010,
2 79.15.010, 79.15.510, and 79.15.510; adding a new section 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) The department may not offer for sale, sell, or harvest any
24 ancestral trees located on public lands west of the crest of the
25 Cascade mountains, unless:

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

28 (b) The operation is conducted solely within the borders of the
29 Olympic experimental state forest and is consistent with the research
30 objectives of the Olympic experimental state forest.

31 (2) The board may only authorize the sale or harvest of ancestral
32 trees located on public lands after making a formal finding that some
33 harvest is necessary to preserve the health and safety of other
34 ancestral trees in the immediate area, to protect public safety, to
35 enhance overall forest health in the stand containing the ancestral
36 trees, or to meet the demands of other special circumstances.

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

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

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

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

14 **Sec. 4.** RCW 79.15.510 and 2004 c 218 s 6 are each amended to read
15 as follows:

16 (1) The department may establish a contract harvesting program for
17 directly contracting for the removal of timber, consistent with section
18 3 of this act, and other valuable materials from state lands and for
19 conducting silvicultural treatments consistent with RCW 79.15.540.

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

22 (3) The department may not use contract harvesting for more than
23 ten percent of the total annual volume of timber offered for sale.
24 However, volume removed primarily to address an identified forest
25 health issue under RCW 79.15.540 may not be included in calculating the
26 ten percent annual limit of contract harvesting sales.

27 **Sec. 5.** RCW 79.15.510 and 2003 c 313 s 3 are each amended to read
28 as follows:

29 (1) The department may establish a contract harvesting program by
30 directly contracting for the removal of timber, consistent with section
31 3 of this act, and other valuable materials from state lands.

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

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

1 NEW SECTION. **Sec. 6.** Section 4 of this act expires December 31,
2 2007.

3 NEW SECTION. **Sec. 7.** Section 5 of this act takes effect December
4 31, 2007.

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