

SENATE BILL REPORT

SB 5325

As Reported By Senate Committee On:
Natural Resources & Parks, February 21, 1997
Ways & Means, March 6, 1997

Title: An act relating to transfer of state forest lands back to counties.

Brief Description: Allowing counties to have certain lands transferred from the state back to the county.

Sponsors: Senators Hargrove, Morton, Stevens, Rossi, Snyder and Loveland.

Brief History:

Committee Activity: Natural Resources & Parks: 2/6/97, 2/21/97 [DPS-WM, DNP].
Ways & Means: 3/6/97 [DPS (NRP), DNP].

SENATE COMMITTEE NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Morton, Roach, Snyder, Stevens and Swecker.

Minority Report: Do not pass.

Signed by Senators Jacobsen, Prentice and Spanel.

Staff: Vic Moon (786-7469)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5325 as recommended by Committee on Natural Resources & Parks be substituted therefor, and the substitute bill do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Hochstatter, Long, Roach, Rossi, Schow, Snyder, Swecker, Winsley and Zarelli.

Minority Report: Do not pass.

Signed by Senators Brown, Fraser, Spanel and Thibaudeau.

Staff: Cathy Baker (786-7708)

Background: The Forest Board Transfer Lands consist of approximately 530,000 acres of state forest lands. The lands were conveyed to the state by 21 counties during the 1920s, 1930s and early 1940s. The counties originally acquired these lands through tax foreclosure. The revenue from the lands is generated by timber sales and is distributed back to the counties.

The Forest Board Transfer Lands are administered by the Department of Natural Resources and are included in the overall sustained yield calculations that the department uses. However, the Forest Board Transfer Lands do not have the same legal status as those lands that were granted to the state by the United States Congress to support beneficiaries, such as the public schools and the universities.

Some counties have requested that the lands that they transferred to the department be transferred back to the counties for timber management purposes. Existing statutes allow transfer of parts of these lands back for specific purposes, such as the development of county parks.

At the present time, one county, Grays Harbor County, manages its own county forest lands employing a forester and working under county regulatory authority, as well as the authority of the state Forest Practices Act.

Summary of Substitute Bill: The county legislative authority in counties with a population less than 1.5 million persons may apply to the Board of Natural Resources to transfer forest lands back to the county until the year 2017. The Board of Natural Resources must direct the Department of Natural Resources to reconvey the forest lands to the requesting county. Once the land has been reconveyed to a county, it must be kept in forest status and may not be sold. The lands must be managed to maximize the financial benefit to the counties.

All data and documents concerning the lands are transferred to the counties by the department. The department is required to stop all proposed sale activity on the state Forest Board lands when the transfer takes place. Reconveyance of the lands is done by a quitclaim deed and the term of the reconveyance must be for not less than 20 years. Revenues from the land are dispersed as currently required by law, unless the distribution formula is changed by the Washington State Legislature. The county's administrative authority may charge a 20 percent management fee, and reporting requirements are included for the use of management fees. Existing contracts for the state Forest Board Transfer Lands are honored until the completion of the contract.

Existing memorandums of agreement, landscape plans, habitat conservation plans and similar agreements may be continued at the discretion of the respective county. Public access to the land must be allowed, subject to the discretion of the local legislative authority. Lands are open for public recreation consistent with timber management goals. Lands that have recreational uses funded by the Interagency Committee for Outdoor Recreation or other similar source must remain in recreational use as directed by agreement, contract, rule or statute.

Counties may contract with the Department of Natural Resources for management. County employees managing the lands must be trained to the same standards as the department employees.

Counties that exercise their option of reconveyance must make an annual report to the Legislature, by February 1 each year, concerning activities on those lands. The report must include acres harvested, the volume of harvest from those acres, the number of acres replanted, precommercially thinned acres and the annual cost on a per acre basis.

Substitute Bill Compared to Original Bill: The bill is rearranged and a cutoff date is included. Counties with a population of less than 1.5 million persons may apply for transfer of these lands. Recreational activities on the Forest Board lands when reconveyed are clarified. Requirements for fire and safety training to DNR levels are required.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Natural Resources & Parks): Counties can manage the Forest Board lands at less cost and can provide greater income to the county and general fund.

Testimony Against (Natural Resources & Parks): The trusts need to be managed as a whole. Separate management will cost more, provide less general fund dollars and give less fire protection. Removal of the lands will affect the Habitat Conservation Plan developed by the Department of Natural Resources.

Testified (Natural Resources & Parks): PRO: Phil Kitchel, Clallam County Commissioner; Pat Hamilton, Pacific County Commissioner; Glen Aldrich, Lewis County Commissioner; Spence Higby, Okanogan County; John Bolender, Mason County; CON: Ron Schultz, Audubon Society; Scott Merriman, Environmental Council; Kaleen Cottingham, Dept. of Natural Resources; Tommy Thompson, Motorcycle Club; Loren McGovern, Backcounty Horsemen.

Testimony For (Ways & Means): This bill will give counties the option of taking back their Forest Board lands. Grays Harbor County is an excellent example of how well counties can manage their lands. County management expenses will be lower than the state's. Allowing county management will increase revenues to the state over time.

Testimony Against (Ways & Means): The trusts need to be managed as a whole. Separate management will cost more, provide less general fund dollars and give less fire protection.

Testified (Ways & Means): Senator Hargrove, prime sponsor (pro); Jim Putman, Pacific NW 4-Wheel Drive Association (con); Phillip Kitchel, Clallam County (pro); Art Stearns DNR (con).