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**SUBSTITUTE HOUSE BILL 1360**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Hunt, Chase, Upthegrove, Dunshee, Dickerson, Hasegawa, McDermott, B. Sullivan, Appleton, Williams, Morrell, Murray, Simpson, Linville, Roberts, Ormsby, McCoy and Kagi)

READ FIRST TIME 02/28/05.

1 AN ACT Relating to the management of ancestral trees by the  
2 department of natural resources; amending RCW 79.02.010, 79.15.010,  
3 79.15.510, and 79.15.510; adding a new section to chapter 79.15 RCW;  
4 providing an effective date; and providing an expiration 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 that are administered by the department.

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

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

16 (b) Is composed of mixed conifer species with:

17 (i) More than eight dominant trees per acre that are greater than  
18 thirty inches in diameter at breast height;

1 (ii) Four or more conifer snags per acre that are greater than  
2 twenty inches in diameter at breast height and are greater than fifteen  
3 feet tall; and

4 (iii) Down logs greater than fifteen tons per acre, including four  
5 pieces per acre greater than twenty-four inches at the widest point and  
6 greater than fifty feet long;

7 (c) Is greater than one hundred sixty years old, as determined by  
8 computing an arithmetic mean from department inventory on plots in the  
9 stand; and

10 (d) Was not purposefully planted as part of a reforestation effort  
11 following a commercial harvest or natural forest disturbance.

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

13 ~~((+3))~~ (4) "Commissioner" means the commissioner of public lands.

14 ~~((+4))~~ (5) "Community and technical college forest reserve lands"  
15 means lands managed under RCW 79.02.420.

16 ~~((+5))~~ (6) "Department" means the department of natural resources.

17 ~~((+6))~~ (7) "Improvements" means anything considered a fixture in  
18 law placed upon or attached to lands administered by the department  
19 that has changed the value of the lands or any changes in the previous  
20 condition of the fixtures that changes the value of the lands.

21 ~~((+7))~~ (8) "Land bank lands" means lands acquired under RCW  
22 79.19.020.

23 ~~((+8))~~ (9) "Person" means an individual, partnership, corporation,  
24 association, organization, cooperative, public or municipal  
25 corporation, or agency of a federal, state, or local governmental unit,  
26 however designated.

27 ~~((+9))~~ (10) "Public lands" means lands of the state of Washington  
28 administered by the department including but not limited to state  
29 lands, state forest lands, and aquatic lands.

30 ~~((+10))~~ (11) "State forest lands" means lands acquired under RCW  
31 79.22.010, 79.22.040, and 79.22.020.

32 ~~((+11))~~ (12) "State lands" includes:

33 (a) School lands, that is, lands held in trust for the support of  
34 the common schools;

35 (b) University lands, that is, lands held in trust for university  
36 purposes;

37 (c) Agricultural college lands, that is, lands held in trust for  
38 the use and support of agricultural colleges;

1 (d) Scientific school lands, that is, lands held in trust for the  
2 establishment and maintenance of a scientific school;

3 (e) Normal school lands, that is, lands held in trust for state  
4 normal schools;

5 (f) Capitol building lands, that is, lands held in trust for the  
6 purpose of erecting public buildings at the state capital for  
7 legislative, executive, and judicial purposes;

8 (g) Institutional lands, that is, lands held in trust for state  
9 charitable, educational, penal, and reformatory institutions; and

10 (h) Land bank, escheat, donations, and all other lands, except  
11 aquatic lands, administered by the department that are not devoted to  
12 or reserved for a particular use by law.

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

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

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

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

25 (a) The consent of the board of regents of the University of  
26 Washington; or

27 (b) Legislative directive.

28 (3) When application is made for the purchase of any valuable  
29 materials, the department shall appraise the value of the valuable  
30 materials if the department determines it is in the best interest of  
31 the state to sell. No valuable materials shall be sold for less than  
32 the appraised value thereof.

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

35 (1) Unless specifically authorized by the board prior to sale or

1 harvest, the department may not offer for sale, sell, or harvest any  
2 ancestral trees located on public lands west of the crest of the  
3 Cascade mountains.

4 (2) The board may only authorize the sale or harvest of ancestral  
5 trees located on public lands after making a formal finding that some  
6 harvest is necessary to preserve the health and safety of other  
7 ancestral trees in the immediate area, to protect public safety, or to  
8 enhance overall forest health in the stand containing the ancestral  
9 trees.

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

12 (1) The department may establish a contract harvesting program for  
13 directly contracting for the removal of timber, consistent with section  
14 3 of this act, and other valuable materials from state lands and for  
15 conducting silvicultural treatments consistent with RCW 79.15.540.

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

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

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

25 (1) The department may establish a contract harvesting program by  
26 directly contracting for the removal of timber, consistent with section  
27 3 of this act, and other valuable materials from state lands.

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

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

32 NEW SECTION. **Sec. 6.** Section 4 of this act expires December 31,  
33 2007.

1        NEW SECTION.   **Sec. 7.**   Section 5 of this act takes effect December  
2   31, 2007.

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