HOUSE BILL 1360

State of Washington 59th Legislature 2005 Regular Session

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 01/21/2005. Referred to Committee on Natural Resources, Ecology & Parks.

- 1 AN ACT Relating to the management of ancestral trees by the
- 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) <u>"Ancestral trees" means trees that are one hundred fifty years</u>
- 14 <u>old or older and that exist in a forest community that is characterized</u>
- 15 with large standing trees, large snags, large logs on the land, and, if
- 16 applicable, large logs in streams.
- 17 (3) "Board" means the board of natural resources.
- 18 $((\frac{3}{3}))$ (4) "Commissioner" means the commissioner of public lands.

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- 1 $((\frac{4}{}))$ (5) "Community and technical college forest reserve lands" means lands managed under RCW 79.02.420.
 - $((\frac{5}{1}))$ (6) "Department" means the department of natural resources.
- (((6))) <u>(7)</u> "Improvements" means anything considered a fixture in law placed upon or attached to lands administered by the department that has changed the value of the lands or any changes in the previous condition of the fixtures that changes the value of the lands.
- 8 $((\frac{7}{}))$ <u>(8)</u> "Land bank lands" means lands acquired under RCW 9 79.19.020.
- 10 (((8))) <u>(9)</u> "Person" means an individual, partnership, corporation, 11 association, organization, cooperative, public or municipal 12 corporation, or agency of a federal, state, or local governmental unit, 13 however designated.
- $((\frac{(9)}{(9)}))$ (10) "Public lands" means lands of the state of Washington administered by the department including but not limited to state lands, state forest lands, and aquatic lands.
- 17 $((\frac{(10)}{(10)}))$ (11) "State forest lands" means lands acquired under RCW 18 79.22.010, 79.22.040, and 79.22.020.
- 19 $((\frac{11}{11}))$ <u>(12)</u> "State lands" includes:

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- 20 (a) School lands, that is, lands held in trust for the support of the common schools;
- 22 (b) University lands, that is, lands held in trust for university 23 purposes;
- (c) Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;
 - (d) Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;
- 28 (e) Normal school lands, that is, lands held in trust for state 29 normal schools;
- 30 (f) Capitol building lands, that is, lands held in trust for the 31 purpose of erecting public buildings at the state capital for 32 legislative, executive, and judicial purposes;
 - (g) Institutional lands, that is, lands held in trust for state charitable, educational, penal, and reformatory institutions; and
- 35 (h) Land bank, escheat, donations, and all other lands, except 36 aquatic lands, administered by the department that are not devoted to 37 or reserved for a particular use by law.

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- ((\(\frac{(12)}{12}\))) (13) "Valuable materials" means any product or material on the lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except mineral, coal, petroleum, and gas as provided for under chapter 79.14 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.
 - (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
 - (b) Legislative directive.

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- 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.
- NEW SECTION. Sec. 3. A new section is added to chapter 79.15 RCW to read as follows:
- 23 (1) Unless specifically authorized by the board prior to sale or 24 harvest, the department may not offer for sale, sell, or harvest any 25 ancestral trees located on public lands.
 - (2) The board may only authorize the sale or harvest of an ancestral tree located on public lands after making a formal finding that the harvest of the tree is necessary to preserve the health and safety of other ancestral trees in the immediate area.
- 30 **Sec. 4.** RCW 79.15.510 and 2004 c 218 s 6 are each amended to read 31 as follows:
- 32 (1) The department may establish a contract harvesting program for 33 directly contracting for the removal of timber, consistent with section 34 <u>3 of this act</u>, and other valuable materials from state lands and for 35 conducting silvicultural treatments consistent with RCW 79.15.540.

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- 1 (2) The contract requirements must be compatible with the office of financial management's guide to public service contracts.
- 3 (3) The department may not use contract harvesting for more than 4 ten percent of the total annual volume of timber offered for sale.
- 5 However, volume removed primarily to address an identified forest
- 6 health issue under RCW 79.15.540 may not be included in calculating the
- 7 ten percent annual limit of contract harvesting sales.
- 8 **Sec. 5.** RCW 79.15.510 and 2003 c 313 s 3 are each amended to read 9 as follows:
- 10 (1) The department may establish a contract harvesting program by
 11 directly contracting for the removal of timber, consistent with section
 12 3 of this act, and other valuable materials from state lands.
- 13 (2) The contract requirements must be compatible with the office of 14 financial management's guide to public service contracts.
- 15 (3) The department may not use contract harvesting for more than 16 ten percent of the total annual volume of timber offered for sale.
- NEW SECTION. Sec. 6. Section 4 of this act expires December 31, 2007.
- 19 <u>NEW SECTION.</u> **Sec. 7.** Section 5 of this act takes effect December 20 31, 2007.

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