
SUBSTITUTE HOUSE BILL 1946

State of Washington

66th Legislature

2019 Regular Session

By House Rural Development, Agriculture, & Natural Resources
(originally sponsored by Representatives Chapman, Maycumber,
Fitzgibbon, Steele, and Ramos)

1 AN ACT Relating to community forests; amending RCW 76.13.120;
2 adding a new chapter to Title 79 RCW; and providing an expiration
3 date.

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

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

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

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

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

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

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

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

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

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

22 NEW SECTION. **Sec. 2.** The definitions in this section apply
23 throughout this chapter unless the context clearly requires
24 otherwise.

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

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

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

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

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

- 1 (c) A description of the long-term use and management of the
2 property;
- 3 (d) Community benefits to be achieved from the establishment of
4 the community forest;
- 5 (e) The role of a community forest in meeting goals of local land
6 use plan, watershed plan, or habitat conservation plan;
- 7 (f) A description of planned short-term and long-term timber
8 harvests subject to the state forest practices act according to
9 chapter 76.09 RCW;
- 10 (g) A description of ongoing activities that promote community
11 involvement in the development and implementation of the community
12 forest management plan;
- 13 (h) Plans for the utilization or demolition of existing
14 structures and proposed needs for further improvements;
- 15 (i) A description of public access and the rationale for any
16 limitations on public access, such as protection of cultural or
17 natural resources or public health and safety concerns;
- 18 (j) Maps of sufficient scale to show the location of the property
19 in relation to roads, communities, and other improvements as well as
20 nearby parks, refuges, or other protected lands and any additional
21 maps required to display planned management activities; and
- 22 (k) A proposed operations plan that shows that the community
23 forest project is at least capable of generating revenue at levels
24 that are, in the long-term and taking into consideration
25 philanthropic donations and endowments, capable of reimbursing
26 management costs.
- 27 (4) "Confer" means a dialogue between sponsors and local county
28 and city officials with the purpose of early review of potential
29 projects. The dialogue may include any matter relevant to a
30 particular project, which may include but need not be limited to:
31 Project purpose and scope; project elements; estimated project cost;
32 costs and benefits to the community; plans for project management and
33 maintenance; and public access.
- 34 (5) "Department" means the department of natural resources.
- 35 (6) "Forest practices rules" has the same meaning as provided in
36 RCW 76.09.020.
- 37 (7) "Local agencies" includes a city, county, town, special
38 purpose district, port district, or other political subdivision of
39 the state providing services to less than the entire state.

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

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

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

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

13 NEW SECTION. **Sec. 3.** (1)(a) The community forestland account is
14 established in the state treasury. All receipts from moneys
15 appropriated to the account must be deposited in the account. Moneys
16 in the account may only be spent after appropriation. The department
17 shall administer the account in accordance with this chapter and
18 shall allocate moneys deposited in the account in accordance with the
19 community forest grant program described in this chapter.

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

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

29 NEW SECTION. **Sec. 4.** (1) The department shall adopt rules for
30 distributions from the account consistent with this chapter,
31 including, consistent with section 5 of this act, criteria to be used
32 for the identification and prioritization of forestland that is
33 suitable for funding under the community forest grant program.

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

1 (b) The department may not, as a condition of application,
2 require a minimum standard of forest management for the resulting
3 community forest that is more restrictive than that required under
4 the forest practices rules.

5 (3) All applicants shall confer with the county or city with
6 jurisdiction over the project area prior to applying for funds for
7 the acquisition of property under this chapter. To the extent
8 possible, projects awarded funding under this chapter should be
9 consistent with local land use plans, the department's forest health
10 plan developed under RCW 79.10.530, or a regional, statewide, or
11 federal recreational or integrated resource enhancement plan.

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

18 (5) A sponsor may be required to provide matching funds not to
19 exceed fifteen percent. Matching funds may be committed to at the
20 time of application, but repaid in the future out of proceeds from
21 the resulting community forest on a timeline agreed upon by the
22 department and the applicant. All matching funds paid through
23 proceeds earned from the community forest must be deposited in the
24 community forestland account.

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

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

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

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

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

37 (e) The conservation values of the forest ecosystem are protected
38 and incorporated into a community forest management plan through
39 adherence with the forest practices rules or an equally protective
40 standard.

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

3 (a) Economic benefits, such as forest harvest, forest products
4 manufacturing, and nontimber products and jobs;

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

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

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

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

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

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

32 (10) Any revenue produced from property funded by this chapter
33 must be allocated:

34 (a) In support of the property management objectives identified
35 in the community forest management plan;

36 (b) In support of other activities that generate or reinforce one
37 or more of the community benefits identified in this section, which
38 may include land acquisitions that expand the community forest,
39 investments in forest products or water infrastructure, and

1 activities and outreach that increase involvement in the community
2 forest; and

3 (c) In furtherance of other activities having a direct benefit to
4 local communities and the general public, which may include
5 investments in public infrastructure, schools, and roads.

6 (11) The ownership of property acquired with funding from this
7 program may be transferred, without compensation, to another owner
8 that is eligible to be a sponsor under this chapter. The department
9 must approve the transfer, which may not be reasonably denied. The
10 new owner must agree to the terms and obligations of the existing, an
11 amended, or a new or funding agreement, consistent with the intent of
12 the program, prior to any transfer of ownership. No owner is
13 permitted to sell or market property acquired with funding from this
14 program.

15 (12) After receiving a grant under this chapter, the recipient
16 must submit to the department a postacquisition review every five
17 years that the land has not been sold or converted to nonforest uses
18 or a use inconsistent with the purposes of the grant program or
19 approved management plan. Grant recipients are subject to a spot
20 check by the department or appropriate state agency in order to
21 verify the implementation of a postacquisition management plan.
22 Failure to submit a postacquisition review or failure to demonstrate
23 management consistent with the stated objectives of the underlying
24 plan, makes that entity ineligible for future funding from the
25 community forest grant program.

26 (13) The owner of a community forest funded under this section is
27 not eligible for participation in forest riparian easement program
28 established in RCW 76.13.120.

29 NEW SECTION. **Sec. 5.** (1) The community forest grant program
30 created in this chapter must be administered as a competitive grant
31 program.

32 (2) The department, in developing the rules to score applicants,
33 must give preferential considerations to applications that can
34 demonstrate the highest number of the following:

35 (a) Compliance with the principles stated in section 4(6) of this
36 act;

37 (b) Secured community access to benefits stated in section 4(7)
38 of this act;

1 (c) Likelihood of the conversion of the site to nonforest or uses
2 inconsistent with the community benefits stated in section 4(7) of
3 this act;

4 (d) The viability of the site for continued use as an
5 economically sustainable working forest capable of generating
6 revenues from forest harvests and other sources for the permissible
7 uses described under section 4(10) of this act;

8 (e) Identification of persons and organizations that support the
9 project and their specific role in acquiring the land and
10 establishing and managing the community forest;

11 (f) The applicant can show consultation and approval of the
12 proposed plan with community members including, as appropriate,
13 county government, community leaders, neighboring landowners, and
14 representatives of the local forest products harvest and milling
15 infrastructure;

16 (g) The applicant can show sources of match funding from public
17 and private sources and that the use of those funds is consistent
18 with the conditions of land use stated in this chapter; and

19 (h) Consistency with local land use plans, the department's
20 forest health plan developed under RCW 79.10.530, or a regional,
21 statewide, or federal recreational or integrated resource enhancement
22 plan.

23 NEW SECTION. **Sec. 6.** Before November 1st of each even-numbered
24 year, the department shall recommend to the governor a prioritized
25 list of all projects to be funded consistent with this chapter. The
26 governor may remove projects from the list recommended by the
27 department and shall submit this amended list in the capital budget
28 request to the legislature. The list must include, but not be limited
29 to, a description of each project, any particular match provided or
30 plan to raise revenue to fund the match, and any project-specific
31 restrictions to public access.

32 NEW SECTION. **Sec. 7.** (1) The department must, consistent with
33 RCW 43.01.036, submit a report to the legislature by October 31,
34 2025, that summarizes the outcomes of the community forest grant
35 program created under this chapter.

36 (2) The report required under this section must at least include:

1 (a) A breakdown of the number of community forests created by the
2 program, including total acreage, types of grantees, and
3 preacquisition status and use of the purchased land;

4 (b) Total revenue derived from each community forest created by
5 the program, total timber harvest excise taxes paid by each community
6 forest, and general use of revenues;

7 (c) Impacts of other economic considerations, such as but not
8 limited to: Avoided costs to community services from the retention
9 and restoration of forests, benefits of restored forestland, access
10 to recreation space, jobs supported, enterprise development and other
11 community wealth building activities that occur as the result of
12 community forest development;

13 (d) The results of any postacquisition reviews conducted under
14 section 4(12) of this act;

15 (e) The average number of preferential considerations identified
16 under section 5 of this act that were provided by applicants chosen
17 for legislative consideration under section 5 of this act; and

18 (f) Any recommendations to change the provisions of this chapter
19 based on lessons learned.

20 (3) This section expires June 30, 2026.

21 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act
22 constitute a new chapter in Title 79 RCW.

23 **Sec. 9.** RCW 76.13.120 and 2017 c 140 s 1 are each amended to
24 read as follows:

25 (1) The legislature finds that the state should acquire easements
26 primarily along riparian and other sensitive aquatic areas from
27 qualifying small forest landowners willing to sell or donate
28 easements to the state provided that the state will not be required
29 to acquire the easements if they are subject to unacceptable
30 liabilities. Therefore the legislature establishes a forestry
31 riparian easement program.

32 (2) The definitions in this subsection apply throughout this
33 section and RCW 76.13.100, 76.13.110, 76.13.140, and 76.13.160 unless
34 the context clearly requires otherwise.

35 (a) "Forestry riparian easement" means an easement covering
36 qualifying timber granted voluntarily to the state by a qualifying
37 small forest landowner.

1 (b) "Qualifying small forest landowner" means a landowner meeting
2 all of the following characteristics as of the date the department
3 offers compensation for a forestry riparian easement:

4 (i) Is a small forest landowner as defined in (d) of this
5 subsection; ~~((and))~~

6 (ii) Is an individual, partnership, corporation, or other
7 nongovernmental for-profit legal entity; and

8 (iii) Is not a community forest created in chapter 79.--- RCW
9 (the new chapter created in section 8 of this act).

10 (c) "Qualifying timber" means those forest trees for which the
11 small forest landowner is willing to grant the state a forestry
12 riparian easement and meets all of the following:

13 (i) The forest trees are covered by a forest practices
14 application that the small forest landowner is required to leave
15 unharvested under the rules adopted under RCW 76.09.040, 76.09.055,
16 and 76.09.370 or that is made uneconomic to harvest by those rules;

17 (ii) The forest trees are within or bordering a commercially
18 reasonable harvest unit as determined under rules adopted by the
19 forest practices board, or for which an approved forest practices
20 application for timber harvest cannot be obtained because of
21 restrictions under the forest practices rules;

22 (iii) The forest trees are located within, or affected by forest
23 practices rules pertaining to any one, or all, of the following:

24 (A) Riparian or other sensitive aquatic areas;

25 (B) Channel migration zones; or

26 (C) Areas of potentially unstable slopes or landforms, verified
27 by the department, and must meet all of the following:

28 (I) Are addressed in a forest practices application;

29 (II) Are adjacent to a commercially reasonable harvest area; and

30 (III) Have the potential to deliver sediment or debris to a
31 public resource or threaten public safety.

32 (d) "Small forest landowner" means a landowner meeting all of the
33 following characteristics:

34 (i) A forest landowner as defined in RCW 76.09.020 whose interest
35 in the land and timber is in fee or who has rights to the timber to
36 be included in the forestry riparian easement that extend at least
37 fifty years from the date the completed forestry riparian easement
38 application associated with the easement is submitted;

39 (ii) An entity that has harvested from its own lands in this
40 state during the three years prior to the year of application an

1 average timber volume that would qualify the owner as a small
2 harvester under RCW 84.33.035; and

3 (iii) An entity that certifies at the time of application that it
4 does not expect to harvest from its own lands more than the volume
5 allowed by RCW 84.33.035 during the ten years following application.
6 If a landowner's prior three-year average harvest exceeds the limit
7 of RCW 84.33.035, or the landowner expects to exceed this limit
8 during the ten years following application, and that landowner
9 establishes to the department's reasonable satisfaction that the
10 harvest limits were or will be exceeded to raise funds to pay estate
11 taxes or equally compelling and unexpected obligations such as court-
12 ordered judgments or extraordinary medical expenses, the landowner
13 shall be deemed to be a small forest landowner. For purposes of
14 determining whether a person qualifies as a small forest landowner,
15 the small forest landowner office, created in RCW 76.13.110, shall
16 evaluate the landowner under this definition, pursuant to RCW
17 76.13.160, as of the date that the forest practices application is
18 submitted and the date that the department offers compensation for
19 the forestry riparian easement. A small forest landowner can include
20 an individual, partnership, corporation, or other nongovernmental
21 legal entity. If a landowner grants timber rights to another entity
22 for less than five years, the landowner may still qualify as a small
23 forest landowner under this section. If a landowner is unable to
24 obtain an approved forest practices application for timber harvest
25 for any of his or her land because of restrictions under the forest
26 practices rules, the landowner may still qualify as a small forest
27 landowner under this section.

28 (e) "Completion of harvest" means that the trees have been
29 harvested from an area and that further entry into that area by
30 mechanized logging or slash treating equipment is not expected.

31 (3) The department is authorized and directed to accept and hold
32 in the name of the state of Washington forestry riparian easements
33 granted by qualifying small forest landowners covering qualifying
34 timber and to pay compensation to the landowners in accordance with
35 this section. The department may not transfer the easements to any
36 entity other than another state agency.

37 (4) Forestry riparian easements shall be effective for fifty
38 years from the date of the completed forestry riparian easement
39 application, unless the easement is voluntarily terminated earlier by
40 the department, based on a determination that termination is in the

1 best interest of the state, or under the terms of a termination
2 clause in the easement.

3 (5) Forestry riparian easements shall be restrictive only, and
4 shall preserve all lawful uses of the easement premises by the
5 landowner that are consistent with the terms of the easement and the
6 requirement to protect riparian functions during the term of the
7 easement, subject to the restriction that the leave trees required by
8 the rules to be left on the easement premises may not be cut during
9 the term of the easement. No right of public access to or across, or
10 any public use of the easement premises is created by this statute or
11 by the easement. Forestry riparian easements shall not be deemed to
12 trigger the compensating tax of or otherwise disqualify land from
13 being taxed under chapter 84.33 or 84.34 RCW.

14 (6) The small forest landowner office shall determine what
15 constitutes a completed application for a forestry riparian easement.
16 An application shall, at a minimum, include documentation of the
17 owner's status as a qualifying small forest landowner, identification
18 of location and the types of qualifying timber, and notification of
19 completion of harvest, if applicable.

20 (7) Upon receipt of the qualifying small forest landowner's
21 forestry riparian easement application, and subject to the
22 availability of amounts appropriated for this specific purpose, the
23 following must occur:

24 (a) The small forest landowner office must determine the
25 compensation to be offered to the qualifying small forest landowner
26 for qualifying timber after the department accepts the completed
27 forestry riparian easement application and the landowner has
28 completed marking the boundary of the area containing the qualifying
29 timber. The legislature recognizes that there is not readily
30 available market transaction evidence of value for easements of the
31 nature required by this section, and thus establishes the methodology
32 provided in this subsection to ascertain the value for forestry
33 riparian easements. Values so determined may not be considered
34 competent evidence of value for any other purpose.

35 (b) The small forest landowner office, subject to the
36 availability of amounts appropriated for this specific purpose, is
37 responsible for assessing the volume of qualifying timber. However,
38 no more than fifty percent of the total amounts appropriated for the
39 forestry riparian easement program may be applied to determine the
40 volume of qualifying timber for completed forestry riparian easement

1 applications. Based on the volume established by the small forest
2 landowner office and using data obtained or maintained by the
3 department of revenue under RCW 84.33.074 and 84.33.091, the small
4 forest landowner office shall attempt to determine the fair market
5 value of the qualifying timber as of the date the complete forestry
6 riparian easement application is received. Removal of any qualifying
7 timber before the expiration of the easement must be in accordance
8 with the forest practices rules and the terms of the easement. There
9 shall be no reduction in compensation for reentry.

10 (8)(a) Except as provided in subsection (9) of this section and
11 subject to the availability of amounts appropriated for this specific
12 purpose, the small forest landowner office shall offer compensation
13 for qualifying timber to the qualifying small forest landowner in the
14 amount of fifty percent of the value determined by the small forest
15 landowner office, plus the compliance and reimbursement costs as
16 determined in accordance with RCW 76.13.140. However, compensation
17 for any qualifying small forest landowner for qualifying timber
18 located on potentially unstable slopes or landforms may not exceed a
19 total of fifty thousand dollars during any biennial funding period.

20 (b) If the landowner accepts the offer for qualifying timber, the
21 department shall pay the compensation promptly upon:

22 (i) Completion of harvest in the area within a commercially
23 reasonable harvest unit with which the forestry riparian easement is
24 associated under an approved forest practices application, unless an
25 approved forest practices application for timber harvest cannot be
26 obtained because of restrictions under the forest practices rules;

27 (ii) Verification that the landowner has no outstanding
28 violations under chapter 76.09 RCW or any associated rules; and

29 (iii) Execution and delivery of the easement to the department.

30 (c) Upon donation or payment of compensation, the department may
31 record the easement.

32 (9) For approved forest practices applications for which the
33 regulatory impact is greater than the average percentage impact for
34 all small forest landowners as determined by an analysis by the
35 department under the regulatory fairness act, chapter 19.85 RCW, the
36 compensation offered will be increased to one hundred percent for
37 that portion of the regulatory impact that is in excess of the
38 average. Regulatory impact includes all trees identified as
39 qualifying timber. A separate average or high impact regulatory
40 threshold shall be established for western and eastern Washington.

1 Criteria for these measurements and payments shall be established by
2 the small forest landowner office.

3 (10) The forest practices board shall adopt rules under the
4 administrative procedure act, chapter 34.05 RCW, to implement the
5 forestry riparian easement program, including the following:

6 (a) A standard version of a forestry riparian easement
7 application as well as all additional documents necessary or
8 advisable to create the forestry riparian easements as provided for
9 in this section;

10 (b) Standards for descriptions of the easement premises with a
11 degree of precision that is reasonable in relation to the values
12 involved;

13 (c) Methods and standards for cruises and valuation of forestry
14 riparian easements for purposes of establishing the compensation. The
15 department shall perform the timber cruises of forestry riparian
16 easements required under this chapter and chapter 76.09 RCW. Timber
17 cruises are subject to amounts appropriated for this purpose.
18 However, no more than fifty percent of the total appropriated funding
19 for the forestry riparian easement program may be applied to
20 determine the volume of qualifying timber for completed forestry
21 riparian easement applications. Any rules concerning the methods and
22 standards for valuations of forestry riparian easements shall apply
23 only to the department, qualifying small forest landowners, and the
24 small forest landowner office;

25 (d) A method to determine that a forest practices application
26 involves a commercially reasonable harvest, and adopt criteria for
27 entering into a forestry riparian easement where a commercially
28 reasonable harvest is not possible or a forest practices application
29 that has been submitted cannot be approved because of restrictions
30 under the forest practices rules;

31 (e) A method to address blowdown of qualified timber falling
32 outside the easement premises;

33 (f) A formula for sharing of proceeds in relation to the
34 acquisition of qualified timber covered by an easement through the
35 exercise or threats of eminent domain by a federal or state agency
36 with eminent domain authority, based on the present value of the
37 department's and the landowner's relative interests in the qualified
38 timber;

39 (g) High impact regulatory thresholds;

1 (h) A method to determine timber that is qualifying timber
2 because it is rendered uneconomic to harvest by the rules adopted
3 under RCW 76.09.055 and 76.09.370;

4 (i) A method for internal department review of small forest
5 landowner office compensation decisions under this section; and

6 (j) Consistent with RCW 76.13.180, a method to collect
7 reimbursement from landowners who received compensation for a
8 forestry riparian easement and who, within the first ten years after
9 receipt of compensation for a forestry riparian easement, sells the
10 land on which an easement is located to a nonqualifying landowner.

11 (11) The legislature finds that the overall societal benefits of
12 economically viable working forests are multiple, and include the
13 protection of clean, cold water, the provision of wildlife habitat,
14 the sheltering of cultural resources from development, and the
15 natural carbon storage potential of growing trees. As such, working
16 forests and the forest riparian easement program may be part of the
17 state's overall carbon sequestration strategy. If the state creates a
18 climate strategy, the department must share information regarding the
19 carbon sequestration benefits of the forest riparian easement program
20 with other state programs using methods and protocols established in
21 the state climate strategy that attempt to quantify carbon storage or
22 account for carbon emissions. The department must promote the
23 expansion of funding for the forest riparian easement program and the
24 ecosystem services supported by the program based on the findings
25 stated in RCW 76.13.100. Nothing in this subsection allows a
26 landowner to be reimbursed by the state more than once for the same
27 forest riparian easement application.

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