



WASHINGTON STATE DEPARTMENT OF **NATURAL RESOURCES**

Forest Roads Fix Lowers Liability, Protects Revenue

The Washington State Department of Natural Resources generates hundreds of millions of dollars each year in nontax revenue through managing its working forests that goes to support schools and critical local services throughout the state. Forest roads are a crucial part of getting trees to local mills, and state law is currently creating a bureaucratic inefficiency that costs money for beneficiaries.

DNR is requesting that the Legislature amend RCW 79.36.350, a law that currently requires the department to grant access for timber hauling on forest roads, even if the road in question is not under the department's control.

DNR's statewide road network is an asset to all of the public services that receive revenue from state trust lands. The department routinely seeks easements from and grants them to large industrial landowners and public land managers – making state lands more efficient and cost-effective to manage. Without permanent easements, DNR is instead required to obtain temporary use permits, which are more expensive. That cost is reflected in lower bid prices during timber sale auctions, which decreases the nontax revenue the sales generate for schools, colleges, and counties throughout Washington.

Since the 1960s, DNR has worked with the USDA Forest Service regarding road access and maintenance. When the two agencies enter into an agreement, the Forest Service generally acquires third-party granting rights and road control. That means that the roads in question become part of the Forest Service road system, and it also means that DNR no longer has the right to grant access over them.

RCW 79.36.350 requires DNR to grant access for logging, rock hauling, and other traditional valuable materials activities to third parties when requested, and the Forest Service has the same requirements under federal law to grant access for these purposes. **However, a legal risk to the state exists if a third party wishes to challenge the Forest Service's authority to issue a permit. At its extreme, DNR could be required to grant access parallel to the existing road.**

DNR is proposing to amend RCW 79.36.350 to state: "2) The department's obligation to issue a right-of-way certificate as provided in (1) of this section shall not apply to applications for rights-of-way over land in which federal government holds the exclusive right to grant easements or rights-of-way to third parties over such land." This change is specific to the hauling of forest products and does not affect any other type of access, including for public use or recreation.



A potential liability regarding DNR forest roads exists in state law, posing a risk to the state and creating operating inefficiencies. DNR is requesting legislation at no cost to the state to remedy this issue.

For more information about this proposal contact:

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