

FINAL BILL REPORT

SHB 2330

Synopsis as Enacted

C 52 L 92

Brief Description: Introducing incentives to maintain the forest land base.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Sheldon, Brumsickle, Belcher, Riley, Beck, Rasmussen, Morton, Scott, Hargrove, Bowman, Nealey, Jones, Kremen, Chandler, Fuhrman, Wynne, Haugen, P. Johnson and Sprengle).

House Committee on Natural Resources & Parks
Senate Committee on Environment & Natural Resources

Background: As the population of Washington grows, forest lands are increasingly converted to uses that are not compatible with long term timber production. The forest lands most likely to be converted are low elevation lands that are among the state's most productive forest lands. With rising land values, owners of these productive lands have strong incentives to sell the lands for development. Washington law has few incentives for owners to maintain forest land in timber production.

Exemption from Special Benefits Assessments: Lands classified as farm and agricultural lands under the Open Space Act are exempt from special benefits assessments for sanitary and/or storm sewers, domestic water, or road construction and/or improvement purposes on the basis that assessments for these purposes generally do not benefit lands under the farm and agricultural classification.

When a local improvement district is created to levy a special benefits assessment, farm and agricultural lands are automatically exempted unless the landowner waives the exemption. Whenever exempted lands are withdrawn from the farm and agricultural lands classification, the lands are liable for the special benefit assessment, plus interest.

Lands classified as timberland under the Open Space Act and lands classified or designated as forest lands for timber tax purposes are not eligible for exemption from special benefits assessments.

Landowner Liability: Public and private landowners are not liable for unintentional injuries to members of the public

who use the land for outdoor recreation, if no fee of any kind is charged for the use. Landowners may, however, charge an administrative fee of up to \$10 for the cutting, gathering and removal of firewood without incurring liability.

Under the Forest Practices Act, landowners may be required to leave trees standing in riparian areas to benefit public resources. Landowners are not liable for damages that may result when these trees blow down or fall into streams.

Agricultural activities conducted in a manner consistent with good agricultural practices and established prior to surrounding non-agricultural activities are not grounds for nuisance lawsuits. Agricultural activities are presumed to be good practices if carried out in accordance with federal, state, and local laws and regulations. No similar protection exists for forest practices.

Forest Practices: Forest practices applications and notifications must either be delivered in person or sent by mail. There is no provision allowing them to be electronically filed.

Forest practices notifications to, and applications approved by, the Department of Natural Resources are effective for one year. There is no provision allowing for applications or notifications to cover multiple forest practices.

Appeals of forest practices decisions are heard by the Forest Practices Appeals Board. The board has no authority to mediate disputes brought before the board.

Summary: Special Benefits Assessments: Lands classified as timberland under the Open Space Act and lands classified or designated as forest lands for timber tax purposes are exempt from special benefits assessments for local improvement districts.

Landowner Liability: The maximum administrative fee landowners may charge for firewood collection is increased from \$10 to \$25.

The Legislature finds that leaving trees unharvested in upland areas, in addition to riparian areas, provides benefits for wildlife. Landowners are not liable for any injuries or damages, including damages from wildfire, erosion, and flooding, that result from leaving trees.

The right-to-practice agriculture statutes are expanded to include forest practices as defined in the Forest Practices Act as activities not subject to nuisance lawsuits.

Forest Practices: Forest practices applications and notifications may be electronically filed. Notification and application approvals are effective for two years. Applications and notifications may be submitted to cover multiple forest practices within reasonable geographic and political boundaries.

Authority is granted to mediate cases brought before the Forest Practices Appeals Board when all parties consent to mediation. The mediation is to be conducted by the administrative appeals judge or authorized agent of the board.

Votes on Final Passage:

House	93	0
Senate	46	0

Effective: June 11, 1992
August 1, 1992 (Section 22)