

# HOUSE BILL REPORT

## HB 1795

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### As Reported By House Committee On:

Natural Resources

**Title:** An act relating to the conversion of forest practices.

**Brief Description:** Concerning the classification of forest practices and the regulation of forest practices by state and local entities.

**Sponsors:** Representatives Buck, Hatfield and Kessler; by request of Commissioner of Public Lands.

### Brief History:

#### Committee Activity:

Natural Resources: 2/19/97, 2/28/97 [DPS].

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## HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Chandler; Hatfield; Pennington and Sheldon.

**Staff:** Linda Byers (786-7129).

**Background:** The Department of Natural Resources (DNR) administers and enforces the rules adopted by the state Forest Practices Board. Part of the department's responsibility is to review applications for forest practices permits. Local governments have some opportunity to voice their objections while the department is reviewing an application, and local governments may appeal department approval of an application with respect to lands within the local government's jurisdiction.

Local governments play a somewhat larger role with regard to lands being converted out of forestry uses. An application for a forest practice must indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial forest production within three years after completion of the forest practices. If the land is to be converted, the state's reforestation requirement does not apply, but the proposed forest practice becomes subject to applicable local government authority such as zoning and land use planning. If the forest practices application does not state that the land will be or is intended to be converted, then for

the six years following the filing of the application, the local government may deny any or all applications for permits or approvals relating to non-forestry uses of the land.

**Summary of Substitute Bill:** A portion of the Department of Natural Resources' responsibility for the administration and enforcement of forest practices regulations is transferred to local governments. Specifically, by December 2001, city and county governments will administer and enforce forest practices related to the conversion of forest land to non-forestry uses.

The definitions for the classes of forest practices are amended to provide that forest practices involving timber harvest or road construction within an urban growth area designated pursuant to the Growth Management Act are Class IV forest practices. An exception to this is that Class IV designation does not apply if the forest landowner provides a written statement of intent not to convert to a use other than commercial forest product operations for 10 years, accompanied by either a written forest management plan acceptable to the department, or documentation that the property is enrolled in the state's special taxation program for forest land. The Class IV designation also does not apply if a forest landowner attaches to the forest practices application a conversion option harvest plan approved by the local government.

By December 31, 2001, each county and city must adopt ordinances or regulations setting standards for those Class IV forest practices regulated by local government. The department will continue to administer and enforce the rules of the Forest Practices Board until such time as the department determines that the local government has promulgated regulations that meet or exceed the Forest Practices Board standards in effect at the time the local regulations are adopted. The department's review of the initial regulations takes place upon the written request of the county or city. The department may approve or disapprove the proposed regulations in whole or in part. The department's approval or disapproval of a local government's regulations may be appealed to the Forest Practices Appeals Board. Once the new forest practices regulations are in place, the local government administers and enforces them. Until January 1, 2002, the department will provide technical assistance to cities and counties that have assumed regulatory authority over their Class IV forest practices.

Other new provisions apply to those forest practices remaining under the jurisdiction of the department. The department will submit to the local government a copy of a forest landowner's statement of his intention not to convert to another use. This document will be filed by the local government with the county recording officer. Lands designated as forest lands of long-term commercial significance need not be recorded due to the low likelihood of conversion. The department will collect the recording fee from the applicant and reimburse the local government for the cost of the recording. For six years after the date of the application, the local government

must deny any and all permits relating to non-forestry uses of the land subject to the application. The local government must also develop a process for lifting or waiving this six-year moratorium. In addition, the local government may develop an administrative process for lifting or waiving the moratorium for the purposes of constructing a single-family residence or outbuildings. The moratorium will not be imposed on a forest practices application that contains an approved conversion option harvest plan unless the forest practice is not in compliance with the permit and plan. If the landowner harvests without filing a forest practices permit application, the local government will impose the six-year moratorium.

In addition to the forest practices application fee, applicants may also be required to pay a recording fee. The application fee remains \$50 for Class II, III, and IV applications relating to the commercial harvest of timber, and the fee is also \$50 for practices in urban growth areas where the forest landowner provides a written statement not to convert to another use for 10 years or an approved conversion option harvest plan. For applications to a local government, the fee goes to the local government and is \$500 unless a different fee is adopted by the local government.

**Substitute Bill Compared to Original Bill:** The substitute bill clarifies that there are two ways for a forest landowner to opt out of a forest practice classification of Class IV: (1) by submitting a written statement of intent not to convert along with one of two types of supporting documentation, or (2) by attaching to the forest practices application an approved conversion option harvest plan. The substitute bill also clarifies the content of the document that is eventually filed with the county recording officer and substitutes the term commercial forest product operation– for commercial timber operation– throughout the bill.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The Timber-Fish-Wildlife cooperators have worked on this proposal for eight years. The central policy issue is jurisdiction. It is more appropriate for local governments to deal with issues of land use and conversions. It is more appropriate for the DNR to look after long-term forestry. Landowners can decide up front whether they want to deal with the DNR or with their local government. It keeps unauthorized conversions from slipping through the cracks. Counties have not been able to get their regulations in place through the existing process and so have had to go back in after the fact. This will have minimal impact on small forest landowners. Each county is different; the bill allows each county to develop its own processes for lifting the moratorium. We respect each other's goals for economic

production and fish and wildlife protection. Lands are going to be converted; this will let local governments step in at the point where it is appropriate. This will improve enforcement and administration of the Forest Practices Act because the DNR's resources can be spent in the woods and not in these conversion areas. This will deal with illegal conversions in the rural areas while allowing forest landowners to stay in forestry.

**Testimony Against:** None.

**Testified:** Art Stearns, Department of Natural Resources; Bill Vogler, Washington State Association of Counties; Nels Hanson, Washington Farm Forestry Association; Joseph Pavel, Northwest Indian Fisheries Commission; Mike Yeager, Washington Forest Protection Association; Ron Shultz, Audubon Society; and Heather Ballash, Department of Community, Trade, and Economic Development (all in favor).