

SENATE BILL REPORT

SB 5714

As Reported By Senate Committee On:
Natural Resources & Parks, March 4, 1997

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: Senators Rossi and Prentice; by request of Commissioner of Public Lands and Department of Natural Resources.

Brief History:

Committee Activity: Natural Resources & Parks: 2/20/97, 3/4/97 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Staff: Vic Moon (786-7469)

Background: Class 4 forest practices deal with major environmental impacts and lands that will be converted from timber management to other statuses. There has been a long-standing problem with the authority of local governments when a conversion to a nonforest use is proposed. The Growth Management Act and local development lands make it mandatory that some county input be included when land is converted from forestry to a different use.

Summary of Substitute Bill: The Forest Practices Board authority for class 1, which is minimal forest practices, is modified, transferring the regulating authority to a local government entity class 1 forest practices that involve timber harvesting or road construction within urban growth areas. Such practices are processed as a class 4 practice, but are not subject to environmental review.

Class 4 forest practices, that are extremely environmentally sensitive and that are likely not to be reforested because of conversion to urban development, requires a written statement of intent signed by the forest landowner not to convert to use other than commercial timber operations for ten years. A written forest management plan acceptable to the department is required. A conversion option harvest plan approved by the local government entity is submitted to the department as part of the application process. Forest practice applications in urban growth areas are regulated by local government entities.

The Department of Natural Resources must submit to local governments a copy of the statement of a forest landowner's intention not to convert, which is filed by the local government with the county recording officer. The department is authorized to collect a recording fee and reimburse local governments for the cost of recording the application. The local government entity must develop a process for lifting the six-year moratorium in current law, which includes public notification and procedures for appeals and public hearings.

The six-year moratorium is not imposed on a forest practices application that contains a conversion option harvest plan approved by the local government entity unless the forest practice was not in compliance with the approved forest practices permit.

By December, 2001, each county must develop ordinances that promulgate regulation setting standards for those class 4 forest practices regulated by local government. The Forest Practices Board must continue to promulgate regulations, and the department must continue to administer and enforce regulations promulgated by the Forest Practices Board in each county for all forest practices until such time, as in the opinion of the Department of Natural Resources, the county or city has promulgated required forest practice regulations.

The Department of Natural Resources has the authority to review the initial regulations promulgated by a city or county. The department provides technical assistance to local governments. Decisions by the department approving or disapproving initial regulations are appealable to the Forest Practices Appeals Board.

Substitute Bill Compared to Original Bill: Local authority is clarified and technical changes are made.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The Timber/Fish/Wildlife (TFW) team has worked for several years to come up with a process that gives greater local control to forest practices and forest land conversions in urban growth areas. This bill is the agreed upon answer to the question of local input into the process.

Testimony Against: None.

Testified: PRO: Mike Yeager, Washington Forest Protection Association; Art Sterns, DNR; Bill Vogler, Association of Counties; Nels Hanson, small forest land owner; Joseph Pavel, Northwest Indian Fisheries Commission; Ron Schultz, Audubon Society.