
**Agriculture & Natural
Resources Committee**

HB 1260

Brief Description: Concerning environmental impact statements on certain state trust lands.

Sponsors: Representatives Buck, Hatfield, Sump, Pearson, Kessler, Grant, Blake, Schoesler, Eickmeyer, Kenney and Kristiansen.

Brief Summary of Bill

- Exempts all Class I, II and III forest practices occurring on state trust lands from the environmental impact statement and detailed statement requirements of SEPA if a programmatic detailed environmental impact statement has been finalized for all forest practices on state lands contained in the Board's ten-year sustained yield plan.

Hearing Date: 2/11/03

Staff: Jason Callahan (786-7117).

Background:

The State Environmental Policy Act (SEPA)

The State Environmental Policy Act (SEPA) requires local governments and state agencies to prepare an environmental impact statement (EIS) if proposed legislation or other major action may have a probable significant, adverse impact on the environment (RCW 43.21C.031). The responsible official has authority to make the threshold determination whether an environmental impact statement must be prepared (RCW 43.21C.033). If it appears a probable significant adverse environmental impact may result, the proposal may be altered or its probable significant adverse impact mitigated. If this cannot be accomplished, an EIS is prepared. The EIS is limited, or scoped, to address only the matters determined to have a probable significant adverse environmental impact (RCW 43.21C.031).

Under SEPA, a project may be conditioned to mitigate specific adverse environmental impacts identified in the environmental documents prepared according to SEPA requirements. Any SEPA conditions must be based on policies identified and designated as possible bases for the exercise of SEPA authority.

The Legislature has provided some exceptions to the requirements of SEPA. These include partial, or total, exemptions for action such as certain school closures, the issuance of air operating permits, fish habitat enhancement projects, the issuance of certain waste discharge permits, and the siting of certain personal wireless service facilities (RCW 43.21C.038-0384).

Sustainable Yield Planning

The Board of Natural Resources (Board) is the public body that is responsible for managing the state's timber holding for the benefit of the trust beneficiaries. The Board, along with the the Department of Natural Resources (DNR), bears the responsibility of managing the state's timber holdings for current and future beneficiaries, and is therefore required to manage the state-owned timber on a sustainable yield basis (RCW 79.68.040). To satisfy this requirement, the Board is required to produce sustainable yield plans that ensure timber harvesting on a continuing basis, without prolonged curtailment or cessation (RCW 79.68.030). Sustainable yield plans must cover a 10-year period, and must be updated once a decade (RCW 79.68.035). Sustainable yield plans are subject to the EIS requirements of SEPA.

Forest Practices

The Legislature has established the threshold for four classes of forest management activities, or forest practices (RCW 76.09.050). Very generally, the different classes of forest practices are defined as follows:

- Class I: Minimal forest practices that have no direct potential for damage to a public resource.
- Class II: Forest practices that have a less than ordinary potential for damaging a public resource.
- Class III: Forest Practices that are more substantial than Class II, but less substantial than Class IV.
- Class IV: Forest practices that have a potential for a substantial impact on the environment, or that will not be reforested because of conversion to an urban use.

Class I, II, and III forest practices are exempt from the requirements under SEPA to prepare a detailed statement. Class IV forest practices requires the DNR to conduct an initial review within 10 days to determine whether or not a detailed statement under SEPA must be prepared. If the DNR finds that a detailed statement is not required, the appropriate local government can come to the opposite conclusion (RCW 76.09.050).

Summary of Bill:

If a programmatic detailed environmental impact statement has been finalized for all forest practices on state lands contained in the Board's ten-year sustained yield plan, all Class I, II and III forest practices occurring on state trust lands are exempt from the environmental impact statement and detailed statement requirements of SEPA.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.