

SENATE BILL REPORT

SB 5158

As of February 20, 2011

Title: An act relating to reform of the forest practices permitting system.

Brief Description: Regarding the forest practices permitting system.

Sponsors: Senators Ericksen and Sheldon.

Brief History:

Committee Activity: Natural Resources & Marine Waters: 1/20/11.

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Staff: Sherry McNamara (786-7402)

Background: The Forest Practices Board adopts rules that set minimum standards for forest practices. Prior to conducting a timber harvest, or most silvicultural treatments on forest land, a forest landowner must apply to the Department of Natural Resources (DNR) for approval for the proposed forest practice. The application process and application fee required vary depending on which class of forest practice is proposed.

- Most Class I forest practices do not require pre-approval by DNR, as they have minimal direct potential for damaging a public resource.
- Class II forest practices require notification to be given to DNR, but do not require a formal approval, as they have a less than ordinary potential for damaging a public resource.
- Class III forest practices do require pre-approval from DNR. Class III practices are silvicultural treatments that do not fit into the definition of the other classes of forest practices and they have a greater potential to damage public resources.
- Class IV forest practices require pre-approval by DNR in some cases, and by local government in other cases. Class IV practices have a potential for substantial impact on the environment.

DNR has 30 days after receiving the forest practice application to either approve or disapprove it. The approval by DNR of an application to conduct a forest practice is effective for two years from the date of approval. There are two exceptions:

1. a multiyear permit for lands included in a watershed analysis is effective for three to five years; and
2. a small forest landowner long-term application is effective for three to fifteen years.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The time period for an application to conduct a forest practice is increased from two to five years. The forest practice application is eligible to be renewed for an additional five year period, if the timber harvest has not been completed in the initial five year period.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Currently, there isn't a market for timber. This bill will allow extra time and doesn't force someone to harvest by a specific date. It makes sense economically to allow this flexibility of moving to five years from the two year timeline. There are several activities that need to be completed by the landowner during the two year time frame, these include road construction and maintenance, site preparation, timber harvesting, and reforestation. When you add adverse weather events and fire into this two year timeline it makes it even more difficult to complete everything on time. So extending the two years to five years makes sense. There would be fewer renewals which would reduce the paperwork. This extension would also allow landowners to sell their wood over a longer time period.

CON: This bill moves us from having a forest application to a license.

OTHER: If under this bill a landowner was approved for five years, a rule could change during this period of time, and the new requirements would not be implemented. The bill is problematic because it is not clear if DNR would be able to review the application before a renewal of another five years, which could mean ten years without review.

Persons Testifying: PRO: Senator Erickson, prime sponsor; Kevin Godbout, Weyerhaeuser; Robert Meier, Rayonier.

CON: Miguel Perez, Washington Environmental Council.

OTHER: Stephen Bernath, Department of Ecology; Bridget Moran, DNR.