SENATE BILL REPORT
SB 5211

As of February 9, 2011

Title: An act relating to forest practices applications leading to conversion of land for development purposes.

Brief Description: Concerning forest practices applications leading to conversion of land for development purposes.

Sponsors: Senators Haugen, Swecker, Morton, Ranker and Hargrove.

Brief History:
Committee Activity: Natural Resources & Marine Waters: 1/27/11.

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Staff: Sherry McNamara (786-7402)

Background: The Forest Practices Act establishes four classes of forest practices based on the potential for the proposed operation to adversely affect public resources. The Forest Practices Board (Board) establishes standards that determine which forest practices are included in each class. The different classes determine the level of Department of Natural Resources (DNR) involvement in the permitting process, as follows:

1. Class I forest practices are those determined by the Board to have no direct potential for damaging a public resource.
2. Class II forest practices have a less than ordinary potential for damaging a public resource.
3. Class III forest practices are more substantial than Class II, but less substantial than Class IV.
4. Class IV forest practice activities have the potential for substantial environmental impacts and are separated into two sub-classes:
    a. Class IV-Special, which require compliance with the State Environmental Protection Act (SEPA) rules; and
    b. Class IV-General.

Class IV-General forest practices are those activities to be related to land uses other than forestry. These proposals may require a license or permit from a local government agency associated with a county or city. The local government agency assumes lead agency status for purposes of ensuring compliance with SEPA.

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Class IV-General forest practices include:

- activities where forestland is to be converted to another use;
- activities on lands likely to be converted to urban development; and
- activities on lands platted after January 1, 1960.

Summary of Bill: For the purposes of determining Class IV forest practices, the reference to lands platted after January 1, 1960, is replaced with forest lands located on lots that are less than or equal to two and one-half acres, unless a landowner:

- owns adjacent lots, with common boundaries the length of which are at least 10 percent of the perimeter of the smaller of the two lots, and with a combined total forest land acreage of five acres or more; and
- provides to DNR and the county a written statement of intent not to convert the forest land to a use other than growing commercial timber for ten years.

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: Processing forest practice applications is very costly to the counties. It is also a disincentive to landowners that want to do a forest practice to have to go through the conversion and SEPA requirements. Referring to platted lands after 1960 does not make sense. Our state has evolved over the past 40 years. We have gone through growth management, shorelines management, and the rules have changed for forest practices; and, this bill will update the process so that it makes sense. It will save forestland and reduce administrative costs. The fiscal consideration for this bill may mean a loss in revenue, but there will also be an increase in forest excise tax which should balance each other out.

CON: The Department of Ecology (DOE) cannot support this bill because of the fiscal impact.

Persons Testifying: PRO: Sharon Dillon, Kendra Smith, Skagit County; Josh Weiss, Washington Association of Counties; Dave Chamberlain, Skagit County Forest Advisory Board; Paul Wagner, Society of American Foresters; Miguel Perez-Gibson, Washington Environmental Council; Darin Cramer, DNR.

CON: Stephen Bernath, DOE.