
SENATE BILL 5637

State of Washington

67th Legislature

2022 Regular Session

By Senators Rolfes and Nobles

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1 AN ACT Relating to increasing forest practices fees to pay for
2 program implementation costs and a new online system for forest
3 practices review; amending RCW 76.09.065; adding a new section to
4 chapter 76.09 RCW; creating a new section; and providing an effective
5 date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) The public should know about forest practices in the state
9 and needs access to information. The legislature also finds that the
10 forestland owners subject to the forest practices act in the state
11 benefit from having a data system that reflects the forest practices
12 that they conduct as it allows for public involvement in protecting
13 public resources and allowing for a viable forest products industry.
14 The department of natural resources manages an information system
15 that allows for public review of proposed forest practices and that
16 system is in need of an upgrade and maintenance. It is the intent of
17 the legislature to have landowners who submit forest applications and
18 notification to share in covering the cost of the upgrade as well as
19 provide revenue to support the ongoing maintenance of the new forest
20 practices online review system through increased fees.

1 (2) The additional revenue raised from fees must be used to help
2 cover the cost of the new data system upgrade as well as cover the
3 full cost of ongoing maintenance.

4 (3) The cost of implementing the forest practices program,
5 including the forest practices online review system, increases over
6 time and the department should have the ability to increase fees
7 consistent with established fiscal growth factors to help cover the
8 increased costs.

9 **Sec. 2.** RCW 76.09.065 and 2012 1st sp.s. c 1 s 209 are each
10 amended to read as follows:

11 (1) An applicant shall pay an application fee, if applicable, at
12 the time an application or notification is submitted to the
13 department or to the local governmental entity as provided in this
14 chapter.

15 (2) (a) If RCW 77.55.361, 76.09.490, 76.09.040, and 76.09.060 are
16 not enacted into law by June 30, 2012, then the fee for applications
17 and notifications submitted to the department shall be (~~fifty~~
18 ~~dollars~~) \$50 for class II, III, and IV forest practices applications
19 or notifications relating to the commercial harvest of timber.
20 However, the fee shall be (~~five hundred dollars~~) \$500 for class IV
21 forest practices applications on lands being converted to other uses
22 or on lands which are not to be reforested because of the likelihood
23 of future conversion to urban development or on lands that are
24 contained within "urban growth areas," designated pursuant to chapter
25 36.70A RCW, except the fee shall be (~~fifty dollars~~) \$50 on those
26 lands where the forestland owner provides:

27 (i) A written statement of intent signed by the forestland owner
28 not to convert to a use other than commercial forest product
29 operations for (~~ten~~) 10 years, accompanied by either a written
30 forest management plan acceptable to the department or documentation
31 that the land is enrolled under the provisions of chapter 84.33 RCW;
32 or

33 (ii) A conversion option harvest plan approved by the local
34 governmental entity and submitted to the department as part of the
35 forest practices application.

36 (b) (i) If RCW 77.55.361, 76.09.490, 76.09.040, and 76.09.060 are
37 enacted into law by June 30, 2012, then:

38 (A) The fee for applications and notifications (~~relating to the~~
39 ~~commercial harvest of timber~~) submitted to the department (~~shall be~~

1 ~~one hundred dollars~~) is \$165 for class II applications and
2 notifications, class III applications, and class IV forest practices
3 that have a potential for a substantial impact on the environment and
4 therefore require an evaluation by the department as to whether or
5 not a detailed statement must be prepared pursuant to the state
6 environmental policy act, chapter 43.21C RCW, when the application or
7 notification is submitted by a landowner who satisfies the definition
8 of small forestland owner provided in RCW 76.09.450 and the
9 application or notification applies to a single contiguous ownership
10 consisting of one or more parcels;

11 (B) The fee for applications and notifications (~~relating to the~~
12 ~~commercial harvest of timber~~) submitted to the department (~~shall be~~
13 ~~one hundred fifty dollars~~) is \$245 for class II applications and
14 notifications, class III applications, and class IV forest practices
15 that have a potential for a substantial impact on the environment and
16 therefore require an evaluation by the department as to whether or
17 not a detailed statement must be prepared pursuant to the state
18 environmental policy act, chapter 43.21C RCW, when the application or
19 notification is submitted by a landowner who does not satisfy the
20 criteria for a reduced application fee as provided in (b)(i)(A) of
21 this subsection (2); and

22 (C) The fee (~~shall be one thousand five hundred dollars~~) is
23 \$1,500 for class IV forest practices applications on lands being
24 converted to other uses or on lands that are not to be reforested
25 because of the likelihood of future conversion to urban development
26 or on lands that are contained within urban growth areas, designated
27 pursuant to chapter 36.70A RCW, except the fee shall be the same as
28 for a class III forest practices application where the forestland
29 owner provides:

30 (I) A written statement of intent signed by the forestland owner
31 not to convert to a use other than commercial forest product
32 operations for (~~ten~~) 10 years, accompanied by either a written
33 forest management plan acceptable to the department or documentation
34 that the land is enrolled under the provisions of chapter 84.33 RCW;
35 or

36 (II) A conversion option harvest plan approved by the local
37 governmental entity and submitted to the department as part of the
38 forest practices application.

39 (ii) If the board has not incorporated fish protection standards
40 adopted under chapter 77.55 RCW into the forest practices rules and

1 approved technical guidance as required under RCW 76.09.040 by
2 December 31, 2013, the fee for applications and notifications
3 submitted to the department shall be as provided under (a) of this
4 subsection until the rules are adopted and technical guidance
5 approved.

6 (3) The forest practices application account is created in the
7 state treasury. Moneys in the account may be spent only after
8 appropriation. All money collected from fees under subsection (2) of
9 this section shall be deposited in the forest practices application
10 account for the purposes of implementing this chapter, chapter 76.13
11 RCW, and Title 222 WAC.

12 (4) For applications submitted to a local governmental entity as
13 provided in this chapter, the fee shall be determined, collected, and
14 retained by the local governmental entity.

15 (5) In the implementation of the forest practices online review
16 system, the department must provide a means for public comment on the
17 use and content of the system.

18 NEW SECTION. Sec. 3. A new section is added to chapter 76.09
19 RCW to read as follows:

20 (1) The department may increase the forest practices application
21 fee charged under RCW 76.09.065 as authorized in RCW 43.135.055 by
22 the fiscal growth factor, as defined in RCW 43.135.025. After
23 consultation with forestland owners, the department may implement
24 forest practices application fee adjustments no more than once every
25 two years. Forest practices application fee adjustments must be
26 preceded by an evaluation of the following factors:

27 (a) The maintenance of a self-supporting forest practices online
28 review system;

29 (b) The levels of service from the system;

30 (c) The identified needs for improved system upgrades;

31 (d) The costs of implementing the forest practices program in
32 general; and

33 (e) Inflation.

34 (2) If the department chooses to adjust the forest practices
35 application fee, it must post notification to the public six months
36 before implementation of the fee increase. Adjustments in the forest
37 practices application fee may only be in increments of no more than
38 \$25 per biennium.

1 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2022.

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