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**SUBSTITUTE SENATE BILL 5714**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Natural Resources & Parks (originally sponsored by Senators Rossi and Prentice; by request of Commissioner of Public Lands and Department of Natural Resources)

Read first time 03/05/97.

1 AN ACT Relating to the conversion of forest practices; and amending  
2 RCW 76.09.040, 76.09.050, 76.09.060, 76.09.065, 76.09.240, and  
3 43.21C.037.

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

5 **Sec. 1.** RCW 76.09.040 and 1994 c 264 s 48 are each amended to read  
6 as follows:

7 (1) Where necessary to accomplish the purposes and policies stated  
8 in RCW 76.09.010, and to implement the provisions of this chapter, the  
9 board shall promulgate forest practices regulations pursuant to chapter  
10 34.05 RCW and in accordance with the procedures enumerated in this  
11 section that:

12 (a) Establish minimum standards for forest practices;

13 (b) Provide procedures for the voluntary development of resource  
14 management plans which may be adopted as an alternative to the minimum  
15 standards in (a) of this subsection if the plan is consistent with the  
16 purposes and policies stated in RCW 76.09.010 and the plan meets or  
17 exceeds the objectives of the minimum standards;

18 (c) Set forth necessary administrative provisions; and

1 (d) Establish procedures for the collection and administration of  
2 forest practice fees as set forth by this chapter.

3 Forest practices regulations pertaining to water quality protection  
4 shall be promulgated individually by the board and by the department of  
5 ecology after they have reached agreement with respect thereto. All  
6 other forest practices regulations shall be promulgated by the board.

7 Forest practices regulations shall be administered and enforced by  
8 either the department (~~((except as otherwise))~~) or the local governmental  
9 entity as provided in this chapter. Such regulations shall be  
10 promulgated and administered so as to give consideration to all  
11 purposes and policies set forth in RCW 76.09.010.

12 (2) The board shall prepare proposed forest practices regulations.  
13 In addition to any forest practices regulations relating to water  
14 quality protection proposed by the board, the department of ecology  
15 shall prepare proposed forest practices regulations relating to water  
16 quality protection.

17 Prior to initiating the rule making process, the proposed  
18 regulations shall be submitted for review and comments to the  
19 department of fish and wildlife and to the counties of the state.  
20 After receipt of the proposed forest practices regulations, the  
21 department of fish and wildlife and the counties of the state shall  
22 have thirty days in which to review and submit comments to the board,  
23 and to the department of ecology with respect to its proposed  
24 regulations relating to water quality protection. After the expiration  
25 of such thirty day period the board and the department of ecology shall  
26 jointly hold one or more hearings on the proposed regulations pursuant  
27 to chapter 34.05 RCW. At such hearing(s) any county may propose  
28 specific forest practices regulations relating to problems existing  
29 within such county. The board and the department of ecology may adopt  
30 such proposals if they find the proposals are consistent with the  
31 purposes and policies of this chapter.

32 **Sec. 2.** RCW 76.09.050 and 1994 c 264 s 49 are each amended to read  
33 as follows:

34 (1) The board shall establish by rule which forest practices shall  
35 be included within each of the following classes:

36 Class I: Minimal or specific forest practices that have no direct  
37 potential for damaging a public resource and that may be conducted  
38 without submitting an application or a notification except that when

1 the regulating authority is transferred to a local governmental entity,  
2 those Class I forest practices that involve timber harvesting or road  
3 construction within "urban growth areas," designated pursuant to  
4 chapter 36.70A RCW, are processed as Class IV forest practices, but are  
5 not subject to environmental review under chapter 43.21C RCW;

6 Class II: Forest practices which have a less than ordinary  
7 potential for damaging a public resource that may be conducted without  
8 submitting an application and may begin five calendar days, or such  
9 lesser time as the department may determine, after written notification  
10 by the operator, in the manner, content, and form as prescribed by the  
11 department, is received by the department. However, the work may not  
12 begin until all forest practice fees required under RCW 76.09.065 have  
13 been received by the department. Class II shall not include forest  
14 practices:

15 (a) On lands platted after January 1, 1960, as provided in chapter  
16 58.17 RCW or on lands that have or are being converted to another use;

17 (b) Which require approvals under the provisions of the hydraulics  
18 act, RCW 75.20.100;

19 (c) Within "shorelines of the state" as defined in RCW 90.58.030;  
20 ((or))

21 (d) Excluded from Class II by the board; or

22 (e) Including timber harvesting or road construction within "urban  
23 growth areas," designated pursuant to chapter 36.70A RCW, which are  
24 Class IV;

25 Class III: Forest practices other than those contained in Class I,  
26 II, or IV. A Class III application must be approved or disapproved by  
27 the department within thirty calendar days from the date the department  
28 receives the application. However, the applicant may not begin work on  
29 that forest practice until all forest practice fees required under RCW  
30 76.09.065 have been received by the department;

31 Class IV: Forest practices other than those contained in Class I  
32 or II: (a) On lands platted after January 1, 1960, as provided in  
33 chapter 58.17 RCW, (b) on lands that have or are being converted to  
34 another use, (c) on lands which, pursuant to RCW 76.09.070 as now or  
35 hereafter amended, are not to be reforested because of the likelihood  
36 of future conversion to urban development, ((and/or)) (d) except on  
37 those lands involving timber harvesting or road construction on lands  
38 that are contained within "urban growth areas," designated pursuant to  
39 chapter 36.70A RCW, where the forest landowner provides: (i) A written

1 statement of intent signed by the forest landowner not to convert to a  
2 use other than commercial forest product operations for ten years,  
3 accompanied by either a written forest management plan acceptable to  
4 the department or documentation that the land is enrolled under the  
5 provisions of chapter 84.33 RCW; or (ii) a conversion option harvest  
6 plan approved by the local governmental entity and submitted to the  
7 department as part of the application, and/or (e) which have a  
8 potential for a substantial impact on the environment and therefore  
9 require an evaluation by the department as to whether or not a detailed  
10 statement must be prepared pursuant to the state environmental policy  
11 act, chapter 43.21C RCW. Such evaluation shall be made within ten days  
12 from the date the department receives the application: PROVIDED, That  
13 nothing herein shall be construed to prevent any local or regional  
14 governmental entity from determining that a detailed statement must be  
15 prepared for an action pursuant to a Class IV forest practice taken by  
16 that governmental entity concerning the land on which forest practices  
17 will be conducted. A Class IV application must be approved or  
18 disapproved by the department within thirty calendar days from the date  
19 the department receives the application, unless the department  
20 determines that a detailed statement must be made, in which case the  
21 application must be approved or disapproved by the department within  
22 sixty calendar days from the date the department receives the  
23 application, unless the commissioner of public lands, through the  
24 promulgation of a formal order, determines that the process cannot be  
25 completed within such period. However, the applicant may not begin  
26 work on that forest practice until all forest practice fees required  
27 under RCW 76.09.065 have been received by the department.

28 Forest practices under Classes I, II, and III are exempt from the  
29 requirements for preparation of a detailed statement under the state  
30 environmental policy act.

31 (2) Except for those forest practices being regulated by local  
32 governmental entities as provided elsewhere in this chapter, no Class  
33 II, Class III, or Class IV forest practice shall be commenced or  
34 continued after January 1, 1975, unless the department has received a  
35 notification with regard to a Class II forest practice or approved an  
36 application with regard to a Class III or Class IV forest practice  
37 containing all information required by RCW 76.09.060 as now or  
38 hereafter amended( (:—PROVIDED, That any person commencing a forest  
39 practice during 1974 may continue such forest practice until April 1,

1 1975, if such person has submitted an application to the department  
2 prior to January 1, 1975: PROVIDED, FURTHER, That)). However, in the  
3 event forest practices regulations necessary for the scheduled  
4 implementation of this chapter and RCW 90.48.420 have not been adopted  
5 in time to meet such schedules, the department shall have the authority  
6 to regulate forest practices and approve applications on such terms and  
7 conditions consistent with this chapter and RCW 90.48.420 and the  
8 purposes and policies of RCW 76.09.010 until applicable forest  
9 practices regulations are in effect.

10 (3) Except for those forest practices being regulated by local  
11 governmental entities as provided elsewhere in this chapter, if a  
12 notification or application is delivered in person to the department by  
13 the operator or the operator's agent, the department shall immediately  
14 provide a dated receipt thereof. In all other cases, the department  
15 shall immediately mail a dated receipt to the operator.

16 (4) Except for those forest practices being regulated by local  
17 governmental entities as provided elsewhere in this chapter, forest  
18 practices shall be conducted in accordance with the forest practices  
19 regulations, orders and directives as authorized by this chapter or the  
20 forest practices regulations, and the terms and conditions of any  
21 approved applications.

22 (5) Except for those forest practices being regulated by local  
23 governmental entities as provided elsewhere in this chapter, the  
24 department of natural resources shall notify the applicant in writing  
25 of either its approval of the application or its disapproval of the  
26 application and the specific manner in which the application fails to  
27 comply with the provisions of this section or with the forest practices  
28 regulations. Except as provided otherwise in this section, if the  
29 department fails to either approve or disapprove an application or any  
30 portion thereof within the applicable time limit, the application shall  
31 be deemed approved and the operation may be commenced: PROVIDED, That  
32 this provision shall not apply to applications which are neither  
33 approved nor disapproved pursuant to the provisions of subsection (7)  
34 of this section: PROVIDED, FURTHER, That if seasonal field conditions  
35 prevent the department from being able to properly evaluate the  
36 application, the department may issue an approval conditional upon  
37 further review within sixty days: PROVIDED, FURTHER, That the  
38 department shall have until April 1, 1975, to approve or disapprove an  
39 application involving forest practices allowed to continue to April 1,

1 1975, under the provisions of subsection (2) of this section. Upon  
2 receipt of any notification or any satisfactorily completed application  
3 the department shall in any event no later than two business days after  
4 such receipt transmit a copy to the departments of ecology and fish and  
5 wildlife, and to the county, city, or town in whose jurisdiction the  
6 forest practice is to be commenced. Any comments by such agencies  
7 shall be directed to the department of natural resources.

8 (6) For those forest practices regulated by the board and the  
9 department, if the county, city, or town believes that an application  
10 is inconsistent with this chapter, the forest practices regulations, or  
11 any local authority consistent with RCW 76.09.240 as now or hereafter  
12 amended, it may so notify the department and the applicant, specifying  
13 its objections.

14 (7) For those forest practices regulated by the board and the  
15 department, the department shall not approve portions of applications  
16 to which a county, city, or town objects if:

17 (a) The department receives written notice from the county, city,  
18 or town of such objections within fourteen business days from the time  
19 of transmittal of the application to the county, city, or town, or one  
20 day before the department acts on the application, whichever is later;  
21 and

22 (b) The objections relate to lands either:

23 (i) Platted after January 1, 1960, as provided in chapter 58.17  
24 RCW; or

25 (ii) On lands that have or are being converted to another use.

26 The department shall either disapprove those portions of such  
27 application or appeal the county, city, or town objections to the  
28 appeals board. If the objections related to subparagraphs (b)(i) and  
29 (ii) of this subsection are based on local authority consistent with  
30 RCW 76.09.240 as now or hereafter amended, the department shall  
31 disapprove the application until such time as the county, city, or town  
32 consents to its approval or such disapproval is reversed on appeal.  
33 The applicant shall be a party to all department appeals of county,  
34 city, or town objections. Unless the county, city, or town either  
35 consents or has waived its rights under this subsection, the department  
36 shall not approve portions of an application affecting such lands until  
37 the minimum time for county, city, or town objections has expired.

38 (8) For those forest practices regulated by the board and the  
39 department, in addition to any rights under the above paragraph, the

1 county, city, or town may appeal any department approval of an  
2 application with respect to any lands within its jurisdiction. The  
3 appeals board may suspend the department's approval in whole or in part  
4 pending such appeal where there exists potential for immediate and  
5 material damage to a public resource.

6 (9) For those forest practices regulated by the board and the  
7 department, appeals under this section shall be made to the appeals  
8 board in the manner and time provided in RCW 76.09.220(8). In such  
9 appeals there shall be no presumption of correctness of either the  
10 county, city, or town or the department position.

11 (10) For those forest practices regulated by the board and the  
12 department, the department shall, within four business days notify the  
13 county, city, or town of all notifications, approvals, and disapprovals  
14 of an application affecting lands within the county, city, or town,  
15 except to the extent the county, city, or town has waived its right to  
16 such notice.

17 (11) For those forest practices regulated by the board and the  
18 department, a county, city, or town may waive in whole or in part its  
19 rights under this section, and may withdraw or modify any such waiver,  
20 at any time by written notice to the department.

21 **Sec. 3.** RCW 76.09.060 and 1993 c 443 s 4 are each amended to read  
22 as follows:

23 The following shall apply to those forest practices administered  
24 and enforced by the department and for which the board shall promulgate  
25 regulations as provided in this chapter:

26 (1) The department shall prescribe the form and contents of the  
27 notification and application. The forest practices rules shall specify  
28 by whom and under what conditions the notification and application  
29 shall be signed or otherwise certified as acceptable. The application  
30 or notification shall be delivered in person to the department, sent by  
31 first class mail to the department or electronically filed in a form  
32 defined by the department. The form for electronic filing shall be  
33 readily convertible to a paper copy, which shall be available to the  
34 public pursuant to chapter 42.17 RCW. The information required may  
35 include, but is not limited to:

36 (a) Name and address of the forest landowner, timber owner, and  
37 operator;

1 (b) Description of the proposed forest practice or practices to be  
2 conducted;

3 (c) Legal description and tax parcel identification numbers of the  
4 land on which the forest practices are to be conducted;

5 (d) Planimetric and topographic maps showing location and size of  
6 all lakes and streams and other public waters in and immediately  
7 adjacent to the operating area and showing all existing and proposed  
8 roads and major tractor roads;

9 (e) Description of the silvicultural, harvesting, or other forest  
10 practice methods to be used, including the type of equipment to be used  
11 and materials to be applied;

12 (f) Proposed plan for reforestation and for any revegetation  
13 necessary to reduce erosion potential from roadsides and yarding roads,  
14 as required by the forest practices rules;

15 (g) Soil, geological, and hydrological data with respect to forest  
16 practices;

17 (h) The expected dates of commencement and completion of all forest  
18 practices specified in the application;

19 (i) Provisions for continuing maintenance of roads and other  
20 construction or other measures necessary to afford protection to public  
21 resources;

22 (j) An affirmation that the statements contained in the  
23 notification or application are true; and

24 (k) All necessary application or notification fees.

25 (2) Long range plans may be submitted to the department for review  
26 and consultation.

27 (3) The application for a forest practice or the notification of a  
28 Class II forest practice (~~((shall indicate whether any land covered by~~  
29 ~~the application or notification will be converted or is intended to be~~  
30 ~~converted to a use other than commercial timber production within three~~  
31 ~~years after completion of the forest practices described in it))~~) is  
32 subject to the three-year reforestation requirement.

33 (a) If the application states that any such land will be or is  
34 intended to be so converted:

35 (i) The reforestation requirements of this chapter and of the  
36 forest practices rules shall not apply if the land is in fact so  
37 converted unless applicable alternatives or limitations are provided in  
38 forest practices rules issued under RCW 76.09.070 as now or hereafter  
39 amended;



1 (ii) Completion of such forest practice operations shall be deemed  
2 conversion of the lands to another use for purposes of chapters 84.33  
3 and 84.34 RCW unless the conversion is to a use permitted under a  
4 current use tax agreement permitted under chapter 84.34 RCW;

5 (iii) The forest practices described in the application are subject  
6 to applicable county, city, town, and regional governmental authority  
7 permitted under RCW 76.09.240 as now or hereafter amended as well as  
8 the forest practices rules.

9 (b) Except as provided elsewhere in this section, if the  
10 application or notification does not state that any land covered by the  
11 application or notification will be or is intended to be so converted:

12 (i) For six years after the date of the application the county,  
13 city, town, and regional governmental entities (~~may~~) shall deny any  
14 or all applications for permits or approvals, including building  
15 permits and subdivision approvals, relating to nonforestry uses of land  
16 subject to the application;

17 (A) The department shall submit to the local governmental entity a  
18 copy of the statement of a forest landowner's intention not to convert  
19 which shall represent a recognition by the landowner that the six-year  
20 moratorium shall be imposed and shall preclude the landowner's ability  
21 to obtain development permits while the moratorium is in place. This  
22 statement shall be filed by the local governmental entity with the  
23 county recording officer, who shall record the documents as provided in  
24 chapter 65.04 RCW, except that lands designated as forest lands of  
25 long-term commercial significance under chapter 36.70A RCW shall not be  
26 recorded due to the low likelihood of conversion. Not recording the  
27 statement of a forest landowner's conversion intention shall not be  
28 construed to mean the moratorium is not in effect.

29 (B) The department shall collect the recording fee and reimburse  
30 the local governmental entity for the cost of recording the  
31 application.

32 (C) When harvesting takes place without an application, the local  
33 governmental entity shall impose the six-year moratorium provided in  
34 (b)(i) of this subsection from the date the unpermitted harvesting was  
35 discovered by the department or the local governmental entity.

36 (D) The local governmental entity shall develop a process for  
37 lifting the six-year moratorium, which shall include public  
38 notification, and procedures for appeals and public hearings.

1        (E) The local governmental entity may develop an administrative  
2 process for lifting or waiving the six-year moratorium for the purposes  
3 of constructing a single-family residence or outbuildings, or both, on  
4 a legal lot and building site. Lifting or waiving of the six-year  
5 moratorium is subject to compliance with all local ordinances.

6        (F) The six-year moratorium shall not be imposed on a forest  
7 practices application that contains a conversion option harvest plan  
8 approved by the local governmental entity unless the forest practice  
9 was not in compliance with the approved forest practice permit. Where  
10 not in compliance with the conversion option harvest plan, the six-year  
11 moratorium shall be imposed from the date the application was approved  
12 by the department or the local governmental entity;

13        (ii) Failure to comply with the reforestation requirements  
14 contained in any final order or decision shall constitute a removal of  
15 designation under the provisions of RCW 84.33.140, and a change of use  
16 under the provisions of RCW 84.34.080, and, if applicable, shall  
17 subject such lands to the payments and/or penalties resulting from such  
18 removals or changes; and

19        (iii) Conversion to a use other than commercial (~~(timber)~~) forest  
20 product operations within (~~(three)~~) six years after (~~(completion)~~)  
21 approval of the forest practices without the consent of the county,  
22 city, or town shall constitute a violation of each of the county,  
23 municipal city, town, and regional authorities to which the forest  
24 practice operations would have been subject if the application had so  
25 stated.

26        (c) The application or notification shall be (~~(either)~~) signed by  
27 the forest landowner (~~(or)~~) and accompanied by a statement signed by  
28 the forest landowner indicating his or her intent with respect to  
29 conversion and acknowledging that he or she is familiar with the  
30 effects of this subsection.

31        (4) Whenever an approved application authorizes a forest practice  
32 which, because of soil condition, proximity to a water course or other  
33 unusual factor, has a potential for causing material damage to a public  
34 resource, as determined by the department, the applicant shall, when  
35 requested on the approved application, notify the department two days  
36 before the commencement of actual operations.

37        (5) Before the operator commences any forest practice in a manner  
38 or to an extent significantly different from that described in a  
39 previously approved application or notification, there shall be

1 submitted to the department a new application or notification form in  
2 the manner set forth in this section.

3 (6) The notification to or the approval given by the department to  
4 an application to conduct a forest practice shall be effective for a  
5 term of two years from the date of approval or notification and shall  
6 not be renewed unless a new application is filed and approved or a new  
7 notification has been filed. At the option of the applicant, an  
8 application or notification may be submitted to cover a single forest  
9 practice or a number of forest practices within reasonable geographic  
10 or political boundaries as specified by the department. An application  
11 or notification that covers more than one forest practice may have an  
12 effective term of more than two years. The board shall adopt rules  
13 that establish standards and procedures for approving an application or  
14 notification that has an effective term of more than two years. Such  
15 rules shall include extended time periods for application or  
16 notification approval or disapproval. On an approved application with  
17 a term of more than two years, the applicant shall inform the  
18 department before commencing operations.

19 (7) Notwithstanding any other provision of this section, no prior  
20 application or notification shall be required for any emergency forest  
21 practice necessitated by fire, flood, windstorm, earthquake, or other  
22 emergency as defined by the board, but the operator shall submit an  
23 application or notification, whichever is applicable, to the department  
24 within forty-eight hours after commencement of such practice or as  
25 required by local regulations.

26 **Sec. 4.** RCW 76.09.065 and 1993 c 443 s 5 are each amended to read  
27 as follows:

28 (1) Effective July 1, ~~((1993))~~ 1997, an applicant shall pay ~~((a))~~  
29 an application fee and a recording fee, if applicable, at the time an  
30 application or notification is submitted ~~((pursuant to RCW 76.09.060.~~  
31 ~~All money collected from the fees under this section shall be deposited~~  
32 ~~in the state general fund))~~ to the department or to the local  
33 governmental entity as provided in this chapter.

34 (2) For applications and notifications submitted to the department,  
35 the application fee shall be fifty dollars for class II, III, and IV  
36 forest practices applications or notifications relating to the  
37 commercial harvest of timber. However, the fee shall be five hundred  
38 dollars for class IV forest practices applications on lands being

1 converted to other uses or on lands which are not to be reforested  
2 because of the likelihood of future conversion to urban development or  
3 on lands that are contained within "urban growth areas," designated  
4 pursuant to chapter 36.70A RCW, except the fee shall be fifty dollars  
5 on those lands where the forest landowner provides:

6 (a) A written statement of intent signed by the forest landowner  
7 not to convert to a use other than commercial forest product operations  
8 for ten years, accompanied by either a written forest management plan  
9 acceptable to the department or documentation that the land is enrolled  
10 under the provisions of chapter 84.33 RCW; or

11 (b) A conversion option harvest plan approved by the local  
12 government entity and submitted to the department as part of the forest  
13 practices application.

14 All money collected from fees under this subsection shall be deposited  
15 in the state general fund.

16 (3) For applications submitted to the local governmental entity,  
17 the fee shall be five hundred dollars for class IV forest practices on  
18 lands being converted to other uses or lands that are contained within  
19 "urban growth areas," designated pursuant to chapter 36.70A RCW, except  
20 as otherwise provided in this section, unless a different fee is  
21 otherwise provided by the local governmental entity.

22 (4) Recording fees shall be as provided in chapter 36.18 RCW.

23 ~~((+2))~~ (5) An application fee under subsection ~~((+1))~~ (2) of this  
24 section shall be refunded or credited to the applicant if either the  
25 application or notification is disapproved by the department or the  
26 application or notification is withdrawn by the applicant due to  
27 restrictions imposed by the department.

28 **Sec. 5.** RCW 76.09.240 and 1975 1st ex.s. c 200 s 11 are each  
29 amended to read as follows:

30 (1) By December 31, 2001, each county and each city shall adopt  
31 ordinances or promulgate regulations setting standards for those Class  
32 IV forest practices regulated by local government. The regulations  
33 shall: (a) Establish minimum standards for Class IV forest practices;  
34 (b) set forth necessary administrative provisions; and (c) establish  
35 procedures for the collection and administration of forest practices  
36 and recording fees as set forth in this chapter.

37 (2) Class IV forest practices regulations shall be administered and  
38 enforced by the counties and cities that promulgate them.

1       (3) The forest practices board shall continue to promulgate  
2 regulations and the department shall continue to administer and enforce  
3 the regulations promulgated by the board in each county and each city  
4 for all forest practices as provided in this chapter until such time  
5 as, in the opinion of the department, the county or city has  
6 promulgated forest practices regulations that meet the requirements as  
7 set forth in this section and that meet or exceed the standards set  
8 forth by the board in regulations in effect at the time the local  
9 regulations are adopted. Regulations promulgated by the county or city  
10 thereafter shall be reviewed in the usual manner set forth for county  
11 or city rules or ordinances. Amendments to local ordinances must meet  
12 or exceed the forest practices rules at the time the local ordinances  
13 are amended.

14       (a) Department review of the initial regulations promulgated by a  
15 county or city shall take place upon written request by the county or  
16 city. The department, in consultation with the department of ecology,  
17 may approve or disapprove the regulations in whole or in part.

18       (b) Until January 1, 2002, the department shall provide technical  
19 assistance to all counties or cities that have adopted forest practices  
20 regulations acceptable to the department and that have assumed  
21 regulatory authority over all Class IV forest practices within their  
22 jurisdiction.

23       (c) Decisions by the department approving or disapproving the  
24 initial regulations promulgated by a county or city may be appealed to  
25 the forest practices appeals board, which has exclusive jurisdiction to  
26 review the department's approval or disapproval of regulations  
27 promulgated by counties and cities.

28       (4) For those forest practices over which the board and the  
29 department maintain regulatory authority no county, city, municipality,  
30 or other local or regional governmental entity shall adopt or enforce  
31 any law, ordinance, or regulation pertaining to forest practices,  
32 except that to the extent otherwise permitted by law, such entities may  
33 exercise any:

34       ~~((1))~~ (a) Land use planning or zoning authority: PROVIDED, That  
35 exercise of such authority may regulate forest practices only: ((a))  
36 (i) Where the application submitted under RCW 76.09.060 as now or  
37 hereafter amended indicates that the lands have been or will be  
38 converted to a use other than commercial ~~((timber))~~ forest product  
39 production; or ~~((b))~~ (ii) on lands which have been platted after

1 January 1, 1960, as provided in chapter 58.17 RCW: PROVIDED, That no  
2 permit system solely for forest practices shall be allowed; that any  
3 additional or more stringent regulations shall not be inconsistent with  
4 the forest practices regulations enacted under this chapter; and such  
5 local regulations shall not unreasonably prevent timber harvesting;

6 ~~((2))~~ (b) Taxing powers;

7 ~~((3))~~ (c) Regulatory authority with respect to public health; and

8 ~~((4))~~ (d) Authority granted by chapter 90.58 RCW, the "Shoreline  
9 Management Act of 1971" (~~(, except that in relation to "shorelines" as~~  
10 ~~defined in RCW 90.58.030, the following shall apply:~~

11 ~~(a) The forest practice regulations adopted pursuant to this~~  
12 ~~chapter shall be the sole rules applicable to the performance of forest~~  
13 ~~practices, and enforcement thereof shall be solely as provided in~~  
14 ~~chapter 76.09 RCW;~~

15 ~~(b) As to that road construction which constitutes a substantial~~  
16 ~~development, no permit shall be required under chapter 90.58 RCW for~~  
17 ~~the construction of up to five hundred feet of one and only one road or~~  
18 ~~segment of a road provided such road does not enter the shoreline more~~  
19 ~~than once. Such exemption from said permit requirements shall be~~  
20 ~~limited to a single road or road segment for each forest practice and~~  
21 ~~such road construction shall be subject to the requirements of chapter~~  
22 ~~76.09 RCW and regulations adopted pursuant thereto and to the~~  
23 ~~prohibitions or restrictions of any master program in effect under the~~  
24 ~~provisions of chapter 90.58 RCW. Nothing in this subsection shall add~~  
25 ~~to or diminish the authority of the shoreline management act regarding~~  
26 ~~road construction except as specifically provided herein. The~~  
27 ~~provisions of this subsection shall not relate to any road which~~  
28 ~~crosses over or through a stream, lake, or other water body subject to~~  
29 ~~chapter 90.58 RCW;~~

30 ~~(c) Nothing in this section shall create, add to, or diminish the~~  
31 ~~authority of local government to prohibit or restrict forest practices~~  
32 ~~within the shorelines through master programs adopted and approved~~  
33 ~~pursuant to chapter 90.58 RCW except as provided in (a) and (b) above.~~

34 ~~Any powers granted by chapter 90.58 RCW pertaining to forest~~  
35 ~~practices, as amended herein, are expressly limited to lands located~~  
36 ~~within "shorelines of the state" as defined in RCW 90.58.030)).~~

37 **Sec. 6.** RCW 43.21C.037 and 1983 c 117 s 2 are each amended to read  
38 as follows:

1 (1) Decisions pertaining to applications for Class I, II, and III  
2 forest practices, as defined by rule of the forest practices board  
3 under RCW 76.09.050, are not subject to the requirements of RCW  
4 43.21C.030(2)(c) as now or hereafter amended.

5 (2) When the applicable county, city, or town requires a license in  
6 connection with any proposal involving forest practices (a) on lands  
7 platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on  
8 lands that have or are being converted to another use, or (c) on lands  
9 which, pursuant to RCW 76.09.070 as now or hereafter amended, are not  
10 to be reforested because of the likelihood of future conversion to  
11 urban development, then the local government, rather than the  
12 department of natural resources, is responsible for any detailed  
13 statement required under RCW 43.21C.030(2)(c).

14 (3) Those forest practices determined by rule of the forest  
15 practices board to have a potential for a substantial impact on the  
16 environment, and thus to be Class IV practices, require an evaluation  
17 by the department of natural resources as to whether or not a detailed  
18 statement must be prepared pursuant to this chapter. The evaluation  
19 shall be made within ten days from the date the department receives the  
20 application. A Class IV forest practice application must be approved  
21 or disapproved by the department within thirty calendar days from the  
22 date the department receives the application, unless the department  
23 determines that a detailed statement must be made, in which case the  
24 application must be approved or disapproved by the department within  
25 sixty days from the date the department receives the application,  
26 unless the commissioner of public lands, through the promulgation of a  
27 formal order, determines that the process cannot be completed within  
28 such period. This section shall not be construed to prevent any local  
29 or regional governmental entity from determining that a detailed  
30 statement must be prepared for an action regarding a Class IV forest  
31 practice taken by that governmental entity concerning the land on which  
32 forest practices will be conducted.

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