

SENATE BILL REPORT

SB 6641

As Reported by Senate Committee On:
Natural Resources, Ocean & Recreation, February 1, 2010

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: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/27/10, 2/01/10 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 6641 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield, Stevens and Swecker.

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, and the Forest Practices 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:

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

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.

2. 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.

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 (Recommended Substitute): 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 5 acres or more; and
- provides to the Department of Natural Resources 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.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute): The substitute:

- changes another reference to lands platted after January 1, 1960;
- inserts June 10, 2010, as the effective date of the bill for counties, cities, and towns that are not required to readopt their ordinances or regulations in order to satisfy the requirements of this act; except as necessary to assure consistency with the definitions of forest practices in RCW 76.09.050; and
- clarifies the language for owning adjacent lots.

Appropriation: None.

Fiscal Note: Not Requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill clarifies which rules apply when a landowner is practicing forestry. Platted land is not defined in the statute under chapter 58.17 RCW. This bill simplifies and reduces the cost and the hassle to a forest landowner. The changes in this bill will allow a forest landowner to file a forest practice application with DNR and not have to worry about filling out a SEPA checklist. The current process forces forest landowners to do a conversion application rather than forestry because the land was platted after January 1, 1960. This bill will save forest land and save money for the landowner and the county.

Persons Testifying: PRO: Josh Weiss, Washington State Association of Counties; Kendra Smith, Skagit County; Darin Cramer, DNR; Stephen Bernath, Department of Ecology; Dave Chamberlain, Chuck Parker and Aubrey Stargell, Skagit County Forestry Advisory Board.