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**HOUSE BILL 1710**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Kretz, Blake, Schmick, Short, and Condotta

AN ACT Relating to limiting appeals related to the harvest of damaged forest products; amending RCW 79.15.220 and 76.09.205; and adding a new section to chapter 43.21C RCW.

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

**Sec.**  RCW 79.15.220 and 2010 c 126 s 10 are each amended to read as follows:

(1) When the department finds valuable materials on state land that are damaged by fire, wind, flood, or from any other cause, it shall determine if the salvage of the damaged valuable materials is in the best interest of the trust for which the land is held, which may include the salvage of forest biomass under chapter 79.150 RCW. If salvaging the valuable materials is in the best interest of the trust, the department shall proceed to offer the valuable materials for sale. The valuable materials, when offered for sale, must be sold in the most expeditious and efficient manner as determined by the department. In determining if the sale is in the best interest of the trust the department shall consider the net value of the valuable materials and relevant elements of the physical and social environment.

(2) A decision by the department to salvage and sell perishable fire-damaged timber under this section is final, is not subject to appeal under either chapter 34.05 RCW or RCW 76.09.205, and may not be the basis for any civil cause of action.

(3) Consistent with section 2 of this act, the sale of perishable fire-damaged timber under this section and decisions related to such a sale and harvest are unlikely to result in significant adverse impacts to the environment, and as a result are not subject to the requirements of chapter 43.21C RCW.

(4) For the purposes of this section, "perishable fire-damaged timber" means timber and associated forest products and forest biomass that have been damaged by wildfire on any state lands and are likely to diminish in market value if not harvested promptly.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21C RCW to read as follows:

Decisions related to the sale of perishable fire-damaged timber under RCW 79.15.220 are not subject to the procedural requirements of RCW 43.21C.030(2)(c). Decisions that are exempt from review under this section include, but are not limited to: Decisions on forest practice applications under chapter 76.09 RCW related to the harvest of perishable fire-damaged timber and decisions related to the construction of temporary roads necessary to carry out the harvest of perishable fire-damaged timber.

**Sec.**  RCW 76.09.205 and 2010 c 210 s 24 are each amended to read as follows:

(1) A person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may seek review from the appeals board by filing a request for the same within thirty days from the date of receipt of the decision.

(2) Concurrently with the filing of any request for review with the appeals board as provided in this section, the requestor must file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

(3) This section does not apply to decisions related to the harvest or sale of perishable fire-damaged timber pursuant to RCW 79.15.220.

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