

SENATE BILL REPORT

SHB 2330

AS REPORTED BY COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES,
FEBRUARY 26, 1992

Brief Description: Introducing incentives to maintain the forest land base.

SPONSORS: House Committee on Natural Resources & Parks (originally sponsored by Representatives Sheldon, Brumsickle, Belcher, Riley, Beck, Rasmussen, Morton, Scott, Hargrove, Bowman, Nealey, Jones, Kremen, Chandler, Fuhrman, Wynne, Haugen, P. Johnson and Sprenkle)

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Majority Report: Do pass.

Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner, and Sutherland.

Staff: Vic Moon (786-7469)

Hearing Dates: February 26, 1992

BACKGROUND:

As the population of Washington grows, there is increased pressure to convert forest lands to uses that are not compatible with long term timber production. In many areas, these are low elevation lands which are among the most productive forest lands in the state. With rising land values, owners of these productive lands have strong incentives to sell the lands for development. At a time when there is great concern about the state's timber supply, there is increased interest in creating incentives to maintain forest land in timber production.

Exemption from Special Benefits Assessments. Lands classified as farm and agricultural lands under the Open Space Act are exempt from special benefits assessments for sanitary and/or storm sewers, domestic water, or road construction and/or improvement purposes on the basis that assessments for these purposes generally do not benefit lands under the farm and agricultural classification.

When a local improvement district is created for the purpose of levying a special benefits assessment, farm and agricultural lands are automatically exempt unless the landowner waives the exemption. Whenever exempted lands are withdrawn from classification, the lands are liable for the amount of the special benefit assessment, plus interest.

Lands classified as timberland under the Open Space Act (RCW 84.34) and forest lands classified or designated under RCW 84.33, are not currently eligible for exemption from special benefits assessments.

Landowner Liability. Under current law, public and private landowners are not liable for unintentional injuries to members of the public who use the land for outdoor recreation, provided no fee of any kind is charged for such use. Landowners are, however, allowed to charge an administrative fee of up to \$10 for the cutting, gathering and removal of firewood without incurring liability.

Under the Forest Practices Act, landowners may be required to leave trees standing in riparian areas to benefit public resources. Landowners are not liable for damages that may result when these trees blow down or fall into streams.

Agricultural activities that are conducted in a manner consistent with good agricultural practices and that are established prior to surrounding non-agricultural activities are protected against nuisance lawsuits. Agricultural activities are presumed to be good practices if carried out in accordance with federal, state, and local laws and regulations. No similar protection currently exists for forest practices.

Forest Practices. Forest practices applications and notifications must either be delivered in person or sent by mail. There is no provision allowing for them to be electronically filed.

Forest practices notifications to and applications approved by the Department of Natural Resources are effective for one year. There is no provision allowing for applications or notifications to cover multiple forest practices.

Appeals of forest practices decisions are heard by the Forest Practices Appeals Board. There is no charge for filing an appeal. There are no provisions allowing for mediation of disputes brought before the appeals board.

SUMMARY:

Special Benefits Assessments. Lands classified as timberland under the Open Space Act (RCW 84.34) and forest lands classified or designated under RCW 84.33 are exempt from special benefits assessments for local improvement districts.

Landowner Liability. The maximum administrative fee landowners may charge for firewood collection is increased from \$10 to \$25.

The Legislature finds that leaving trees unharvested in upland areas, in addition to riparian areas, provides benefits for wildlife. Landowners shall not be held liable for any injuries or damages resulting from leaving trees, including wildfire, erosion, and flooding.

The right to practice agriculture statutes are expanded to include forest practices as defined in the Forest Practices Act.

Forest Practices. Forest practices applications and notifications may be electronically filed. Notification and application approvals are effective for two years. Applications and notifications may be submitted to cover multiple forest practices within reasonable geographic and political boundaries.

Authority is granted to mediate cases brought before the Forest Practices Appeals Board when all parties consent to mediation. The mediation is to be conducted by the administrative appeals judge or authorized agent of the board.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

This is similar to SB 6160 and is needed to help the timber industry.

TESTIMONY AGAINST: None

TESTIFIED: Tim Boyd, Forest Protection Association; Nick Handy, Department of Natural Resources; George Kirkmire, Washington Contract Loggers Association; Judy Turpin, Washington Environmental Council; Jeff Parsons, National Audubon Society; Greg Hannon, Christmas Tree Growers Association