
SENATE BILL 6234

State of Washington 53rd Legislature 1994 Regular Session

By Senators Hargrove, Quigley and M. Rasmussen

Read first time 01/17/94. Referred to Committee on Natural Resources.

1 AN ACT Relating to conversion of forest lands; and amending RCW
2 76.09.060.

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

4 **Sec. 1.** RCW 76.09.060 and 1993 c 443 s 4 are each amended to read
5 as follows:

6 (1) The department shall prescribe the form and contents of the
7 notification and application. The forest practices rules shall specify
8 by whom and under what conditions the notification and application
9 shall be signed or otherwise certified as acceptable. The application
10 or notification shall be delivered in person to the department, sent by
11 first class mail to the department or electronically filed in a form
12 defined by the department. The form for electronic filing shall be
13 readily convertible to a paper copy, which shall be available to the
14 public pursuant to chapter 42.17 RCW. The information required may
15 include, but is not limited to:

16 (a) Name and address of the forest landowner, timber owner, and
17 operator;

18 (b) Description of the proposed forest practice or practices to be
19 conducted;

1 (c) Legal description of the land on which the forest practices are
2 to be conducted;

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

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

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

13 (g) Soil, geological, and hydrological data with respect to forest
14 practices;

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

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

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

22 (k) All necessary application or notification fees.

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

25 (3) The application for a forest practice or the notification of a
26 class II forest practice shall indicate whether any land covered by the
27 application or notification will be converted or is intended to be
28 converted to a use other than commercial timber production within three
29 years after completion of the forest practices described in it.

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

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

37 (ii) Completion of such forest practice operations shall be deemed
38 conversion of the lands to another use for purposes of chapters 84.33

1 and 84.34 RCW unless the conversion is to a use permitted under a
2 current use tax agreement permitted under chapter 84.34 RCW;

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

7 (b) If the application or notification does not state that any land
8 covered by the application or notification will be or is intended to be
9 so converted:

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

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

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

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

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

38 (5) Before the operator commences any forest practice in a manner
39 or to an extent significantly different from that described in a

1 previously approved application or notification, there shall be
2 submitted to the department a new application or notification form in
3 the manner set forth in this section.

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

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

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