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**Agriculture & Natural  
Resources Committee**

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**SSB 5235**

**Brief Description:** Exempting certain forest practices from the environmental impact statement requirements of chapter 43.21C RCW.

**Sponsors:** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Hargrove, Morton and Doumit).

**Brief Summary of Substitute Bill**

- Exempts any decision or action of both the Department of Natural Resources and the Forest Practices Board concerning state trust lands from all procedural requirements for the preparation of an environmental impact statement.

**Hearing Date:** 4/2/03

**Staff:** Jason Callahan (786-7117).

**Background:**

The State Environmental Policy Act (SEPA)

The State Environmental Policy Act (SEPA) requires local governments and state agencies to prepare an environmental impact statement (EIS) if proposed legislation or other major action may have a probable significant, adverse impact on the environment (RCW 43.21C.031). The responsible official has authority to make the threshold determination whether an environmental impact statement must be prepared (RCW 43.21C.033). If it appears a probable significant adverse environmental impact may result, the proposal may be altered or its probable significant adverse impact mitigated. If this cannot be accomplished, an EIS is prepared. The EIS is limited, or scoped, to address only the matters determined to have a probable significant adverse environmental impact (RCW 43.21C.031).

Under SEPA, a project may be conditioned to mitigate specific adverse environmental impacts identified in the environmental documents prepared according to SEPA requirements. Any SEPA conditions must be based on policies identified and designated as possible bases for the exercise of SEPA authority.

The Legislature has provided some exceptions to the requirements of SEPA. These include partial, or total, exemptions for action such as certain school closures, the issuance of air operating permits, fish habitat enhancement projects, the issuance certain waste discharge permits, and the siting of certain personal wireless service facilities (RCW 43.21C.038-0384).

### Forest Practices

The Legislature has established the threshold for four classes of forest management activities, or forest practices (RCW 76.09.050). Very generally, the different classes of forest practices are defined as follows:

- Class I: Minimal forest practices that have no direct potential for damage to a public resource.
- Class II: Forest practices that have a less than ordinary potential for damaging a public resource.
- Class III: Forest Practices that are more substantial than Class II, but less substantial than Class IV.
- Class IV: Forest practices that have a potential for a substantial impact on the environment, or that will not be reforested because of conversion to an urban use.

Class I, II, and III forest practices are exempt from the requirements under SEPA to prepare a detailed statement. Class IV forest practices require the DNR to conduct an initial review within 10 days to determine whether or not a detailed statement under SEPA must be prepared. If the DNR finds that a detailed statement is not required, the appropriate local government can come to the opposite conclusion (RCW 76.09.050).

### **Summary of Bill:**

Any decision or action of both the Department of Natural Resources and the Forest Practices Board concerning state trust lands are exempt from all procedural requirements for the preparation of an EIS or the making of a threshold determination required for Class I, II, or III forest practices. Exempted activities include timber sales.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.