

SENATE BILL REPORT

SB 6235

As of January 17, 2018

Title: An act relating to the establishment of forest practices preapplication review.

Brief Description: Concerning the establishment of forest practices preapplication review.

Sponsors: Senators Rolfes, Van De Wege, Hawkins and Takko; by request of Department of Natural Resources.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/18/18.

Brief Summary of Bill

- Establishes a pre-application review process for Forest Practices applications.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Curt Gavigan (786-7437)

Background: The Forest Practices Act establishes four classes of forest practices based on the potential for a proposed operation to adversely affect public resources. The Forest Practices Board (Board) establishes standards that determine which forest practices are included in each class. The Department of Natural Resources (DNR) processes and reviews applications and administers the forest practices program within the rules of the Board.

For forest practices that require an application, DNR has a statutorily set amount of time to review and either approve or disprove a complete application. In most cases, that timeframe is 30 days, although a longer period is allowed for applications that require an Environmental Impact Statement. The Board has developed specific rules and Board guidance relating to the evaluation of forest practices on unstable slopes and landforms.

After approval or disapproval of an application to DNR, an aggrieved person may seek review from the Pollution Control Hearing Board.

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.

Summary of Bill: The Board is directed to establish a process where applicants can submit pre-applications for agency review of proposed forest practices activities. The stated purpose of the voluntary use of this process is to help ensure applicants develop complete applications for later submission. However, a pre-application review is required for timber harvest or road construction in or around potentially unstable slopes and landforms or around snow avalanche slopes.

Though the pre-application review, DNR must determine whether the reviewed information regarding proposed forest practices is sufficiently complete for the application to be appropriately classified and processed. DNR cannot require additional information of applicants who have completed the pre-application process.

During pre-application review, DNR has up to 30 days to review and request additional information. If DNR makes a request, the time while the information is being prepared does not count toward the 30-day pre-application period. A landowner may submit a forest practices application within 45 days of the completion of a pre-application review. If it has been longer than 45 days since pre-application review, DNR may require another pre-application process.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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