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**SENATE BILL 5637**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Rolfes and Nobles

AN ACT Relating to increasing forest practices fees to pay for program implementation costs and a new online system for forest practices review; amending RCW 76.09.065; adding a new section to chapter 76.09 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature finds that:

(1) The public should know about forest practices in the state and needs access to information. The legislature also finds that the forestland owners subject to the forest practices act in the state benefit from having a data system that reflects the forest practices that they conduct as it allows for public involvement in protecting public resources and allowing for a viable forest products industry. The department of natural resources manages an information system that allows for public review of proposed forest practices and that system is in need of an upgrade and maintenance. It is the intent of the legislature to have landowners who submit forest applications and notification to share in covering the cost of the upgrade as well as provide revenue to support the ongoing maintenance of the new forest practices online review system through increased fees.

(2) The additional revenue raised from fees must be used to help cover the cost of the new data system upgrade as well as cover the full cost of ongoing maintenance.

(3) The cost of implementing the forest practices program, including the forest practices online review system, increases over time and the department should have the ability to increase fees consistent with established fiscal growth factors to help cover the increased costs.

**Sec.**  RCW 76.09.065 and 2012 1st sp.s. c 1 s 209 are each amended to read as follows:

(1) An applicant shall pay an application fee, if applicable, at the time an application or notification is submitted to the department or to the local governmental entity as provided in this chapter.

(2)(a) If RCW 77.55.361, 76.09.490, 76.09.040, and 76.09.060 are not enacted into law by June 30, 2012, then the fee for applications and notifications submitted to the department shall be ((~~fifty dollars~~)) $50 for class II, III, and IV forest practices applications or notifications relating to the commercial harvest of timber. However, the fee shall be ((~~five hundred dollars~~)) $500 for class IV forest practices applications on lands being converted to other uses or on lands which are not to be reforested because of the likelihood of future conversion to urban development or on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except the fee shall be ((~~fifty dollars~~)) $50 on those lands where the forestland owner provides:

(i) A written statement of intent signed by the forestland owner not to convert to a use other than commercial forest product operations for ((~~ten~~)) 10 years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

(ii) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the forest practices application.

(b)(i) If RCW 77.55.361, 76.09.490, 76.09.040, and 76.09.060 are enacted into law by June 30, 2012, then:

(A) The fee for applications and notifications ((~~relating to the commercial harvest of timber~~)) submitted to the department ((~~shall be one hundred dollars~~)) is $165 for class II applications and notifications, class III applications, and class IV forest practices that have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW, when the application or notification is submitted by a landowner who satisfies the definition of small forestland owner provided in RCW 76.09.450 and the application or notification applies to a single contiguous ownership consisting of one or more parcels;

(B) The fee for applications and notifications ((~~relating to the commercial harvest of timber~~)) submitted to the department ((~~shall be one hundred fifty dollars~~)) is $245 for class II applications and notifications, class III applications, and class IV forest practices that have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW, when the application or notification is submitted by a landowner who does not satisfy the criteria for a reduced application fee as provided in (b)(i)(A) of this subsection (2); and

(C) The fee ((~~shall be one thousand five hundred dollars~~)) is $1,500 for class IV forest practices applications on lands being converted to other uses or on lands that are not to be reforested because of the likelihood of future conversion to urban development or on lands that are contained within urban growth areas, designated pursuant to chapter 36.70A RCW, except the fee shall be the same as for a class III forest practices application where the forestland owner provides:

(I) A written statement of intent signed by the forestland owner not to convert to a use other than commercial forest product operations for ((~~ten~~)) 10 years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or

(II) A conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the forest practices application.

(ii) If the board has not incorporated fish protection standards adopted under chapter 77.55 RCW into the forest practices rules and approved technical guidance as required under RCW 76.09.040 by December 31, 2013, the fee for applications and notifications submitted to the department shall be as provided under (a) of this subsection until the rules are adopted and technical guidance approved.

(3) The forest practices application account is created in the state treasury. Moneys in the account may be spent only after appropriation. All money collected from fees under subsection (2) of this section shall be deposited in the forest practices application account for the purposes of implementing this chapter, chapter 76.13 RCW, and Title 222 WAC.

(4) For applications submitted to a local governmental entity as provided in this chapter, the fee shall be determined, collected, and retained by the local governmental entity.

(5) In the implementation of the forest practices online review system, the department must provide a means for public comment on the use and content of the system.

NEW SECTION. **Sec.**  A new section is added to chapter 76.09 RCW to read as follows:

(1) The department may increase the forest practices application fee charged under RCW 76.09.065 as authorized in RCW 43.135.055 by the fiscal growth factor, as defined in RCW 43.135.025. After consultation with forestland owners, the department may implement forest practices application fee adjustments no more than once every two years. Forest practices application fee adjustments must be preceded by an evaluation of the following factors:

(a) The maintenance of a self-supporting forest practices online review system;

(b) The levels of service from the system;

(c) The identified needs for improved system upgrades;

(d) The costs of implementing the forest practices program in general; and

(e) Inflation.

(2) If the department chooses to adjust the forest practices application fee, it must post notification to the public six months before implementation of the fee increase. Adjustments in the forest practices application fee may only be in increments of no more than $25 per biennium.

NEW SECTION. **Sec.**  This act takes effect July 1, 2022.

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