
HOUSE BILL 1018

State of Washington

55th Legislature

1997 Regular Session

By Representatives Honeyford, McMorris, Mastin, Thompson, DeBolt, Boldt, Mielke and Clements

Read first time 01/13/97. Referred to Committee on Natural Resources.

1 AN ACT Relating to the availability of information regarding
2 reforestation obligations; amending RCW 76.09.070; and adding a new
3 section to chapter 76.09 RCW.

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

5 **Sec. 1.** RCW 76.09.070 and 1987 c 95 s 10 are each amended to read
6 as follows:

7 After the completion of a logging operation, satisfactory
8 reforestation as defined by the rules (~~and regulations promulgated~~)
9 adopted by the board shall be completed within three years: PROVIDED,
10 That: (1) A longer period may be authorized if seed or seedlings are
11 not available; (2) a period of up to five years may be allowed where a
12 natural regeneration plan is approved by the department; and (3) the
13 department may identify low-productivity lands on which it may allow
14 for a period of up to ten years for natural regeneration. Upon the
15 completion of a reforestation operation a report on such operation
16 shall be filed with the department of natural resources. Within twelve
17 months of receipt of such a report the department shall inspect the
18 reforestation operation, and shall determine either that the

1 reforestation operation has been properly completed or that further
2 reforestation and inspection is necessary.

3 Satisfactory reforestation is the obligation of the owner of the
4 land as defined by forest practices (~~(regulations)~~) rules, except the
5 owner of perpetual rights to cut timber owned separately from the land
6 is responsible for satisfactory reforestation. The reforestation
7 obligation shall become the obligation of a new owner if the land or
8 perpetual timber rights are sold or otherwise transferred. The
9 department must file with the appropriate county auditor information
10 regarding reforestation obligations. County auditors must make this
11 information available in a manner that allows a title search to
12 identify a reforestation obligation. If the department fails to file
13 this information with the appropriate county auditor, the reforestation
14 obligation is void.

15 Prior to the sale or transfer of land or perpetual timber rights
16 subject to a reforestation obligation, the seller shall notify the
17 buyer of the existence and nature of the obligation and the buyer shall
18 sign a notice of reforestation obligation indicating the buyer's
19 knowledge thereof. The notice shall be on a form prepared by the
20 department and shall be sent to the department by the seller at the
21 time of sale or transfer of the land or perpetual timber rights. If
22 the seller fails to notify the buyer about the reforestation
23 obligation, the seller shall pay double the buyer's costs related to
24 reforestation, (~~(including)~~) and all legal costs which include
25 reasonable attorneys' fees(~~(-)~~) incurred by the buyer in enforcing the
26 reforestation obligation against the seller. Failure by the seller to
27 send the required notice to the department at the time of sale shall be
28 prima facie evidence, in an action by the buyer against the seller for
29 costs related to reforestation, that the seller did not notify the
30 buyer of the reforestation obligation prior to sale.

31 The forest practices (~~(regulations)~~) rules may provide alternatives
32 to or limitations on the applicability of reforestation requirements
33 with respect to forest lands being converted in whole or in part to
34 another use which is compatible with timber growing. The forest
35 practices (~~(regulations)~~) rules may identify either classifications
36 (~~(and/or)~~) or areas of forest land, or both, that have the likelihood
37 of future conversion to urban development within a ten-year period.
38 The reforestation requirements may be modified or eliminated on such
39 lands(~~(- PROVIDED, That such)~~). However, either the identification

1 ((~~and/or such~~)) or the conversion, or both, to urban development must
2 be consistent with any local or regional land use plans or ordinances.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.09 RCW
4 to read as follows:

5 The department must contact those persons who are obligated to
6 complete satisfactory reforestation and must notify those persons of
7 the policy changes in RCW 76.09.070. This notice must also include a
8 reminder to those persons of the requirement that a seller of land or
9 perpetual timber rights subject to a reforestation obligation notify
10 the buyer of the existence and nature of the obligation.

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