
**Natural Resources, Ecology &
Parks Committee**

HB 2740

Brief Description: Concerning applications for forest practices.

Sponsors: Representatives Orcutt, Blake and Kretz.

Brief Summary of Bill

- Repeals the authority for local government to approve or disapprove Class IV forest practices.
- Prohibits local permitting agencies from denying a building or subdivision application based on an applicant's failure to state an intent to convert the land or failure to satisfy a forest practices standard that was not adopted by the Forest Practices Board.

Hearing Date: 1/26/06

Staff: Jason Callahan (786-7117).

Background:

Classes of forest practices (RCW 76.09.050)

Prior to conducting a harvest or most other silvicultural treatments on forest land, a forest landowner must apply to the Department of Natural Resources (DNR) for approval for the proposed forest practice. The application process and application fee required vary depending on what class of forest practice is proposed. A forest practice can fall into one of four classes:

- **Class I forest practices** have a minimal direct potential for damaging a public resource. Most Class I practices do not require pre-approval by the DNR.
- **Class II forest practices** have a less than ordinary potential for damaging a public resource. Class II practices require notification to be given to the DNR, but do not require a formal approval.
- **Class III forest practices** are silvicultural treatments that do not fit into the definition of the other classes of forest practices. They have a greater potential to damage a public resource than Class II practices, but a lesser potential than Class IV practices. Class III forest practices do require pre-approval from the DNR.
- **Class IV forest practices** have a potential for substantial impact on the environment. This includes harvesting within an urban growth area and harvesting in an area that is

likely to be developed into a non-forestry use. Class IV practices require pre-approval by the DNR in some cases and by local government in other cases.

The role of local governments in forest practices approvals (RCW 76.09.240)

Counties and cities have the authority to approve or disapprove certain Class IV forest practices applications. In order to assume approval authority, the county or city must adopt ordinances that establish minimum standards for Class IV forest practices, establish the necessary administrative provisions, and set procedures for the collection of fees. All cities and counties were required to adopt the necessary ordinances for Class IV forest practices approval by December 31, 2005.

The authority to approve or disapprove Class IV forest practices applications does not pass from the DNR to the city or county until the DNR has granted final approval of the city or county's ordinances. In conducting a review of the local government's proposed ordinances, the DNR is required to consult with the Department of Ecology and may disapprove the ordinance wholly or in part. Local governments that believe a disapproval of their ordinances was improper may appeal the DNR's decision to the Forest Practices Appeals Board.

Counties and cities that adopted the necessary ordinances to obtain control over Class IV forest practices approvals, and had those ordinances approved by the DNR, were eligible for technical assistance from the DNR until January 1, 2006.

Development moratoriums in the Forest Practices Act (RCW 76.09.060)

Landowners with permission to conduct a Class IV forest practice must, if their intent is not to convert the land into a non-forestry use, complete a statement of intent not to convert. Once this statement is made, the appropriate local government is prohibited, with a few exceptions, from approving a building permit or subdivision application for six years after the forest practices application was filed. The statement of intent must be filed with the county, and the applicant must pay a recording fee to the county to cover the cost of filing.

Summary of Bill:

The authority for local government to approve or disapprove Class IV forest practices is repealed. Thus, the DNR will be the only authority responsible for reviewing and approving forest practices.

The six-year conversion moratorium that local governments must enforce if a forest landowner converts his or her land to a non-forestry use after signing an intent not to do so is lifted. Instead, local permitting agencies are expressly prohibited from denying a building or subdivision application based on an applicant's failure to state an intent to convert the land or failure to satisfy a forest practices standard that was not adopted by the Forest Practices Board.

Appropriation: None.

Fiscal Note: Requested on 1/16/06.

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