

SENATE BILL REPORT

ESHB 2740

As of June 01, 2006

Title: An act relating to reauthorizing the department of natural resources to have exclusive jurisdiction over all forest practices applications.

Brief Description: Concerning forest practices.

Sponsors: House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Orcutt, Blake and Kretz).

Brief History: Passed House: 2/13/06, 98-0.

Committee Activity: Natural Resources, Ocean & Recreation: 2/22/06.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Vic Moon (786-7469)

Background: 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 approvals by December 31, 2005.

The authority to approve or disapprove Class IV forest practices applications does not pass from the Department of Natural Resources (DNR) to the city or county until the department has granted final approval of the city or county's ordinances. In conducting a review of the local government's proposed ordinances, DNR is required to consult with the Department of Ecology (DOE) 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 DNR, were eligible for technical assistance from DNR until January 1, 2006. Landowners with permission to conduct a 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: DNR and DOE are required to conduct an evaluation of the current laws and processes regulating forest practices and the conversion of forest land to non-forestry

uses. Generally, the evaluation must consider current roles and responsibilities, duplicative regulations, requirements of regulations, and decision making pathways.

DNR and DOE are specifically directed to evaluate the laws governing:

- the interaction among state agencies and local governments when there is overlapping regulatory requirements;
- moratoriums on forest land conversion;
- conversion harvest option plans;
- lead agency status determinations; and
- fees for processing, recording, and applying for forest practices approvals.

The DNR must report the findings of the evaluation by October 31, 2006. The report must include recommendations for changes in the existing applicable laws and processes.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: A study on the issues surrounding forest practices and conversion will allow interested parties to participate and to work towards an improved regulatory system.

Testimony Against: None.

Who Testified: PRO: Rick Dunning, Farm Forestry Association; Leonard Young, DNR; Melodie Selby, Ecology.