
SENATE BILL 6276

State of Washington

59th Legislature

2006 Regular Session

By Senator Jacobsen

Read first time 01/10/2006. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to scenic protection; amending RCW 76.09.010 and
2 43.21C.037; adding a new section to chapter 76.09 RCW; and creating a
3 new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that landscape-based
6 tourism, including scenic driving, trail use, and wildlife watching are
7 increasingly important contributors to the economic diversity of
8 Washington's rural areas. According to a 1998 study by the department
9 of community, trade, and economic development, nearly forty percent of
10 all tourists who visit Washington planned to visit a state or national
11 park. Travel spending by these tourists totaled more than ten billion
12 dollars, creating a payroll of two billion dollars while directly
13 supporting more than one hundred twenty-four thousand jobs. The
14 department of fish and wildlife has found that wildlife viewing creates
15 over twenty-two thousand jobs and contributed over one billion seven
16 hundred eighty-nine million dollars to Washington's economy.

17 Over the past ten years a number of state and local highways have
18 been designated as "scenic" routes to help promote Washington tourism.

1 Some of these routes go through or are adjacent to commercial forest
2 lands.

3 While commercial forests contribute to Washington's economy,
4 certain forest practices, including large, poorly designed clear-cuts,
5 mid-slope roads, and slash piles adversely impact the aesthetic quality
6 of important tourist routes and destinations, including state and
7 nationally designated scenic highways, gateway communities to Mt.
8 Rainier national park, highway 101 around the Olympic Peninsula, the
9 Lewis and Clark highway, and other areas. Recent studies, including
10 one by an independent panel of landscape aesthetic experts, verify that
11 forest practices in these areas fall below acceptable regional and
12 national standards of forest aesthetics and likely are having negative
13 impacts on the tourist economy and private property values.

14 Adopting forest practice rules that mitigate aesthetic impacts is
15 feasible, economical, and in the public interest. Mitigation of scenic
16 impacts that result from commercial forestry is time tested and widely
17 practiced in the Pacific Northwest, Canada, Europe, and Australia.
18 Numerous approaches and tools are available to plan timber harvests
19 with aesthetic considerations in mind. Many of these practices can be
20 applied at low cost, and can be done within a framework of large scale
21 harvests. Additionally, they do not require permanent reserves of
22 trees. Often only slight modifications of harvest designs or timing
23 are needed to meet acceptable aesthetic standards.

24 **Sec. 2.** RCW 76.09.010 and 1999 sp.s. c 4 s 901 are each amended to
25 read as follows:

26 (1) The legislature hereby finds and declares that the forest land
27 resources are among the most valuable of all resources in the state;
28 that a viable forest products industry is of prime importance to the
29 state's economy; that it is in the public interest for public and
30 private commercial forest lands to be managed consistent with sound
31 policies of natural resource protection; that coincident with
32 maintenance of a viable forest products industry, it is important to
33 afford protection to forest soils, fisheries, wildlife, water quantity
34 and quality, air quality, recreation, and scenic beauty.

35 (2) The legislature further finds and declares it to be in the
36 public interest of this state to create and maintain through the

1 adoption of this chapter a comprehensive statewide system of laws and
2 forest practices rules which will achieve the following purposes and
3 policies:

4 (a) Afford protection to, promote, foster and encourage timber
5 growth, and require such minimum reforestation of commercial tree
6 species on forest lands as will reasonably utilize the timber growing
7 capacity of the soil following current timber harvest;

8 (b) Afford protection to forest soils and public resources by
9 utilizing all reasonable methods of technology in conducting forest
10 practices;

11 (c) Recognize both the public and private interest in the
12 profitable growing and harvesting of timber;

13 (d) Promote efficiency by permitting maximum operating freedom
14 consistent with the other purposes and policies stated herein;

15 (e) Provide for regulation of forest practices so as to avoid
16 unnecessary duplication in such rules;

17 (f) Provide for interagency input and intergovernmental and tribal
18 coordination and cooperation;

19 (g) Achieve compliance with all applicable requirements of federal
20 and state law with respect to nonpoint sources of water pollution from
21 forest practices;

22 (h) To consider reasonable land use planning goals and concepts
23 contained in local comprehensive plans and zoning regulations;

24 (i) Foster cooperation among managers of public resources, forest
25 landowners, Indian tribes, and the citizens of the state; ~~((and))~~

26 (j) Develop a watershed analysis system that addresses the
27 cumulative effect of forest practices on, at a minimum, the public
28 resources of fish, water, and public capital improvements of the state
29 and its political subdivisions; and

30 (k) Identify forested areas that are important for the state's
31 tourism economy where industrial forest practices may impair scenic
32 resources, and develop forest practice rules that adequately protect
33 these resources.

34 (3) The legislature further finds and declares that it is also in
35 the public interest of the state to encourage forest landowners to
36 undertake corrective and remedial action to reduce the impact of mass
37 earth movements and fluvial processes.

1 (4) The legislature further finds and declares that it is in the
2 public interest that the applicants for state forest practices permits
3 should assist in paying for the cost of review and permitting necessary
4 for the environmental protection of these resources.

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

7 (1) By June 30, 2007, the board shall identify and map areas that
8 merit increased scenic protection based on their importance to
9 Washington's tourist and recreational economy. These locations
10 include, but are not necessarily limited to, topographically visible
11 areas within a five-mile distance of state and federally designated
12 scenic highways and byways, scenic waterways, and major recreation
13 trails. The board shall coordinate with the department of fish and
14 wildlife, the department of community, trade, and economic development,
15 the department of transportation, counties, and the public in
16 identifying, evaluating, and selecting appropriate areas.

17 (2) By December 31, 2007, the board shall adopt forest practices
18 rules for all forest practice permits proposed to be conducted on
19 topographically visible commercial forest lands within selected scenic
20 areas as set forth in subsection (1) of this section. These rules must
21 be designed to accomplish the following:

22 (a) The rules must require landowners owning more than two thousand
23 acres within the state to conduct a technically verifiable landscape
24 assessment of their lands that fall within scenic areas mapped by the
25 department. Multiple forest land parcels exceeding two thousand acres
26 in total that are owned by corporations or partnerships having fifty
27 percent or greater control by the same person must be included in these
28 rules. The landowner must prepare a visual impact mitigation plan
29 subject to design review and department approval prior to receiving
30 further harvest permits.

31 (b) The rules must prescribe a procedure for the department to
32 evaluate, approve, or reject visual mitigation plans that includes
33 design review by professional landscape architects with demonstrated
34 experience in aesthetic forestry.

35 (c) The rules must prescribe aesthetic forestry techniques that
36 include, but are not limited to:

37 (i) Identification of key viewpoints, view angles, and focal views;

- 1 (ii) Keeping harvest unit size within a scale appropriate to local
2 conditions;
- 3 (iii) Use of naturally shaped harvest unit boundaries that
4 harmonize with the natural topography of the surrounding landscape;
- 5 (iv) Designing new harvest units that balance and interlock with
6 nearby recovering and mature forest stands;
- 7 (v) Avoiding creation of strongly geometric harvest unit shapes;
- 8 (vi) Varying the density and spacing of leave trees within harvest
9 units to mimic naturally disturbed stands;
- 10 (vii) Minimizing the visual impact of roads by avoiding exposed
11 mid-slope cuts and fills;
- 12 (viii) Minimizing piling of slash and debris in near foreground
13 views;
- 14 (ix) Feathering the density of leave trees at the edges of harvest
15 units;
- 16 (x) Temporarily retaining buffers to maintain visual integrity
17 until harvest areas recover; and
- 18 (xi) Avoiding cumulative aesthetic impacts by restricting further
19 clear-cut harvests in a given area until a sufficient area of forest
20 has visually recovered.

21 **Sec. 4.** RCW 43.21C.037 and 1997 c 173 s 6 are each amended to read
22 as follows:

23 (1) Decisions pertaining to applications for Class I, II, and III
24 forest practices, as defined by rule of the forest practices board
25 under RCW 76.09.050, are not subject to the requirements of RCW
26 43.21C.030(2)(c) as now or hereafter amended.

27 (2) When the applicable county, city, or town requires a license in
28 connection with any proposal involving forest practices (a) on lands
29 platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on
30 lands that have or are being converted to another use, or (c) on lands
31 which, pursuant to RCW 76.09.070 as now or hereafter amended, are not
32 to be reforested because of the likelihood of future conversion to
33 urban development, then the local government, rather than the
34 department of natural resources, is responsible for any detailed
35 statement required under RCW 43.21C.030(2)(c).

36 (3)(a) Those forest practices determined by rule of the forest
37 practices board to have a potential for a substantial impact on the

1 environment, and thus to be Class IV practices, require an evaluation
2 by the department of natural resources as to whether or not a detailed
3 statement must be prepared pursuant to this chapter. The evaluation
4 shall be made within ten days from the date the department receives the
5 application. A Class IV forest practice application must be approved
6 or disapproved by the department within thirty calendar days from the
7 date the department receives the application, unless the department
8 determines that a detailed statement must be made, in which case the
9 application must be approved or disapproved by the department within
10 sixty days from the date the department receives the application,
11 unless the commissioner of public lands, through the promulgation of a
12 formal order, determines that the process cannot be completed within
13 such period. This section shall not be construed to prevent any local
14 or regional governmental entity from determining that a detailed
15 statement must be prepared for an action regarding a Class IV forest
16 practice taken by that governmental entity concerning the land on which
17 forest practices will be conducted.

18 (b) The provisions of (a) of this subsection do not apply to forest
19 practices that are approved under and in compliance with rules adopted
20 under section 3 of this act.

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