2010 Legislative Activity Potential Affecting the Forest Practices Program As of January 26, 2010				
Bill #	Title ("AN ACT relating to ...")	Provisions	Status	Effect*
HB2505/SB6354	…the regulation of nonindustrial forests.	- changes the eligibility criteria for which forest landowners can apply 20 acre exempt riparian buffers during forest harvest activities - expands harvests eligible for 20 acre exempt riparian buffers to all those with a harvest area of 20 acres or less for forest landowners who have not harvested a total of more than two million board feet of timber during any three-year period	- pre-filed January 4 - referred to House Agricultural and Natural Resources Committee on January 11 - public hearing in Agricultural and Natural Resources Committee on January 14 - Senate version referred to Natural Resources, Ocean and Recreation Committee on January 13	direct
SB6268	…the administrative procedures act	- requires agencies specify the numbers of votes for and against adoption of a rule in the CR-103. - require rules to be adopted by an affirmative vote of the majority of all members of a body that has legal authority to adopt rules, and that ex officio members may not participate in rule making or be considered with counting a majority of the members. - requires agencies to identify and raise all claims and defenses in the initial appeal hearings. Agencies may not raise a defense or theory to oppose a petition that it has failed to identify in its answer to a petition. - requires agencies to transcribe or certify audio recordings of oral presentations in proceedings. Permits courts to consider certified audio recordings, meeting minutes, or transcripts of adjudicative proceedings without supplementing the record. - requires "clear, cogent, and convincing" burden of proof standard for any agency action related to a license.	- pre-filed January 8 - referred to House Natural Resources and Agriculture Committee on January 11 - public hearing in Senate Judiciary Committee on January 13 - executive session held January 19 & 20 but no action taken	direct
HB2541/SB6256	…maximizing the ecosystem services provided by forestry through the promotion of the economic success of the forest products industry.	- requires that prior to initiating rule making process the FPB must propose incentives for landowners to provide voluntary conservation measures - stipulates that if, via public hearings on proposed rules, one or more county representatives propose two or more alternatives, the FPB must adopt the rule that retains the greatest economic value to forestry while achieving the minimum standard necessary for environmental protection if the protection of the alternative rule proposal cannot be shown to substantially have more benefits to the resource. - requires that prior to adopting a rule, and when appropriate, the FPB must propose related incentives for landowners to provide voluntary conservation measures. These measures	- pre-filed January 5 - referred to House Agricultural and Natural Resources Committee and Senate Natural Resources, Ocean and Recreation Committee on January 11 - public hearing in Senate Natural Resources, Ocean and Recreation Committee on January 18 - public hearing in Agricultural and Natural Resources Committee on January 21 - scheduled for executive session on January 28	direct

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		must include: 1) criteria for evaluating whether or not intended outcomes of the measures are being achieved, and 2) identification of the party(ies) responsible for that evaluation. - stipulates that any voluntary conservation measures that require funding must be funded concurrently with adoption of the rule.		
HB2597	…streamlining state environmental permitting by eliminating HPAs.	- removes the ability for WDFW to write rules for hydraulic projects - removes the requirement for Forest Practices and WDFW to integrate hydraulic projects by adopting rules under 76.09.030(2). - repeals all sections of RCW 77.55- construction in state waters. *- *does not identify changes to 76.09.050, 350, 410 and 910 that also contain references to hydraulic projects*	- pre-filed January 8 - referred to House Agricultural and Natural Resources Committee on January 11	direct
SB6422/HB2935	…environmental and land use hearings boards and making more uniform the timelines for filing.	- eliminates the forest practices appeals board and the hydraulics appeals board, and other state boards that conduct administrative review of environmental and land use decisions, duties of the eliminated boards are transferred to other boards. - establishes uniform timelines for filing appeals. - eliminates informal civil penalty remission or mitigation hearing with the department supervisor.	- referred to Senate Government Operations and Elections Committee on January 11 - referred to House General Government Appropriations Committee on January 14 - scheduled for public hearing in Senate Government Operations and Elections Committee and House General Government Appropriations Committee on January 28	direct
HB3009/SB6641	…forest practices applications leading to conversion of land for development.	- amends RCW 76.09 and 43.21 to replace "lands platted after Jan 1, 1960 and lands that are being converted" with alternative language so that most small parcels less than or equal to 2.5 acres will be a Class IV - parcels greater than 2.5 acres would not be a Class IV unless a conversion to another use is proposed. - amends SEPA to exempt lots that are less than or equal to 2.5 acres unless a statement of non conversion is included	- referred to House Agriculture and Natural Resources Committee January 20 - referred to Senate Natural Resources, Ocean and Recreation Committee January 20 - scheduled for public hearing in Senate Natural Resources, Ocean and Recreation Committee January 27	direct
HB30909	…streamlining natural resources management.	- requires DNR to develop a process for landowners to acquire all necessary permits required to conduct a forest practices and to issue the permits (one stop shopping concept) - removes the ability for DNR to issue any multiyear permits,	- referred to House Agriculture and Natural Resources Committee on January 22	direct

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		and the requirement for the DNR to work with WDFW and DOE to establish suitable permitting processes for approving FPA's - rescinds DOE's authority to approve water quality related forest practices rules - remove DOEs right of entry authority on forest lands under jurisdiction of the forest practices act - removes the requirement for DNR to send a copy of forest practices applications and notifications (FPA/N) to DOE and WDFW - designates DNR to represent the state's interest (specific to forestry and forest practices) relating to, and for purposes of, the federal water pollution control act (i.e. Clean Water Act) - transfers the responsibility and duties for water quality and discharge from DOE to DNR, if the project requires a forest practice approval - directs Forest Practices to implement a habitat incentives program while maintaining landowners' certainty regarding forest practices permits on the property covered by the agreement		
SB6683	… sending renewal notices for licenses, registration, and permits via electronic means	- requires agencies to send all (license, registrations, permit) renewal notices to applicants by electronic means by July 1, 2012	- referred to Senate Government Operations and Elections Committee on January 21 - scheduled for public hearing in Senate Government Operations and Elections Committee on January 28	direct
HB2502	…to the adoption of rules.	- amends the Administrative Procedures Act to state that rules must be adopted before December 1st of any year - rules may not take effect before the end of the regular legislative session in the next year - requires the order of adoption (i.e., the CR-103) to include signature of the governor	- pre-filed January 4 - referred to State Government and Tribal Affairs Committee on January 11	indirect
HB2420	...the promotion of industries that rely on the state's working land base	- expands the definition of green industry to include the forest products industry. - expands the definition of clean energy to include energy derived from wood biomass, liquid biofuels, and bio-based products - requires all agency environmental or economic analyses to include and recognize the forest products industry's positive	- pre-filed December 7 - public hearing in House Committee on Community & Economic Development & Trade on January 13 - substitute bill passed out of committee on January 20 - referred to General Government Appropriations on January 22	indirect

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		contributions to the state's environmental protection, ecological enhancement, clean energy future and carbon reduction strategies		
HB2691	…suspending the GMA in counties with persistent unemployment.	- suspends GMA requirements, adopted comprehensive land use plans and development regulations for counties and cities if the average rate of total unemployment in the county, seasonally adjusted, exceeds seven percent for three consecutive months. - becomes effective upon the public release of applicable unemployment data by the Washington State Employment Security Department, and remains in effect for 5 years or until the unemployment rate drops below seven percent for three consecutive months whichever is later	- referred to House Local Government and Housing Committee on January 12	indirect
HB2810	…legislative rule-making accountability committee to review proposed agency rules.	- amends the APA to create a 20 member legislative rule-making accountability committee with 20 legislators (10 from the House and 10 from the Senate) - committee would meet monthly to review and vote on any proposed rule that has received 200 or more letters of protest (including emails and form letters) - if 15 members vote in favor of the rule as proposed, the rule can be implemented or adopted as appropriate. If it does not receive a favorable vote by 15 members the proposed rule is presented to the legislature in the next legislative session for a yes or no vote - until a vote is taken, the rule is on hold. If the legislature does not take action, the rule may not be implemented or adopted	- referred to House State Government and Tribal Affairs Committee on January 11 - scheduled for public hearing in House State Government and Tribal Affairs Committee on January 26	indirect
SB6448	…providing WDFW authority to improve permitting of hydraulic projects.	- provides WDFW the authority to streamline HPAs and charge fees for the processing, compliance and enforcement of the permits - requires rules be written to allow low risk projects to be processed as a pamphlet permit instead of an HPA - adds definitions for application fee, emergency permit, expedited permit, general permit, pamphlet permit, permit modification and permit processing fee - establishes the required fee structure to be used between 7/1/2010 and 6/30/2012; requires collaboration with interested	- referred to Senate Natural Resources, Ocean and Recreation Committee on January 14 - public hearing in Senate Natural Resources, Ocean and Recreation Committee on January 20	indirect

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		parties for a fee schedule to be implemented on 7/1/2012; fees can be adjusted once every two years - establishes an HPA account where the fees will be deposited; account will be used to fund WDFW activities related to processing, issuing decisions, compliance and enforcement activities - adds the ability for WDFW to issue civil penalties to individuals who fail to obtain or follow a permit		
SB6481	…clarifying which local governments have jurisdiction over conversion-related forest practices.	- changes the criterion for counties by adding a qualifier of population level (100,000) to trigger which counties must adopt and enforce ordinances for Class IV General forest practices - the bill did not extend the date of when counties are supposed to assume jurisdiction (12/31/08)	- referred to Senate Natural Resources, Ocean and Recreation Committee on January 15 - scheduled for public hearing in Senate Natural Resources, Ocean and Recreation Committee on January 25	indirect
HB3075	… establish minimum standards of education, experience, ethical conduct, and professional responsibility for soil and wetland scientists	- requires state certification for soil and wetland scientists - establishes minimum standards of education, experience, ethical conduct, and professional responsibility for soil and wetland scientists who voluntarily want to obtain state certification	- referred to House Commerce and Labor Committee on January 22	indirect
*direct = changes Chapter 76.09 RCW (Forest Practices Act) or Chapter 43.21C RCW (State Environmental Policy Act); indirect = changes another law that intersects the Forest Practices program, or requires new practices, procedures				

Presented by Darin Cramer – 1/2010