
HOUSE BILL 1710

State of Washington

65th Legislature

2017 Regular Session

By Representatives Kretz and Blake

1 AN ACT Relating to limiting appeals related to the harvest of
2 damaged forest products; amending RCW 79.15.220 and 76.09.205; and
3 adding a new section to chapter 43.21C RCW.

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

5 **Sec. 1.** RCW 79.15.220 and 2010 c 126 s 10 are each amended to
6 read as follows:

7 (1) When the department finds valuable materials on state land
8 that are damaged by fire, wind, flood, or from any other cause, it
9 shall determine if the salvage of the damaged valuable materials is
10 in the best interest of the trust for which the land is held, which
11 may include the salvage of forest biomass under chapter 79.150 RCW.
12 If salvaging the valuable materials is in the best interest of the
13 trust, the department shall proceed to offer the valuable materials
14 for sale. The valuable materials, when offered for sale, must be sold
15 in the most expeditious and efficient manner as determined by the
16 department. In determining if the sale is in the best interest of the
17 trust the department shall consider the net value of the valuable
18 materials and relevant elements of the physical and social
19 environment.

20 (2) A decision by the department to salvage and sell perishable
21 fire-damaged timber under this section is final, is not subject to

1 appeal under either chapter 34.05 RCW or RCW 76.09.205, and may not
2 be the basis for any civil cause of action.

3 (3) Consistent with section 2 of this act, the sale of perishable
4 fire-damaged timber under this section and decisions related to such
5 a sale and harvest are unlikely to result in significant adverse
6 impacts to the environment, and as a result are not subject to the
7 requirements of chapter 43.21C RCW.

8 (4) For the purposes of this section, "perishable fire-damaged
9 timber" means timber and associated forest products and forest
10 biomass that have been damaged by wildfire on any state lands and are
11 likely to diminish in market value if not harvested promptly.

12 NEW SECTION. Sec. 2. A new section is added to chapter 43.21C
13 RCW to read as follows:

14 Decisions related to the sale of perishable fire-damaged timber
15 under RCW 79.15.220 are not subject to the procedural requirements of
16 RCW 43.21C.030(2)(c). Decisions that are exempt from review under
17 this section include, but are not limited to: Decisions on forest
18 practice applications under chapter 76.09 RCW related to the harvest
19 of perishable fire-damaged timber and decisions related to the
20 construction of temporary roads necessary to carry out the harvest of
21 perishable fire-damaged timber.

22 **Sec. 3.** RCW 76.09.205 and 2010 c 210 s 24 are each amended to
23 read as follows:

24 (1) A person aggrieved by the approval or disapproval of an
25 application to conduct a forest practice or the approval or
26 disapproval of any landscape plan or permit or watershed analysis may
27 seek review from the appeals board by filing a request for the same
28 within thirty days from the date of receipt of the decision.

29 (2) Concurrently with the filing of any request for review with
30 the appeals board as provided in this section, the requestor must
31 file a copy of his or her request with the department and the
32 attorney general. The attorney general may intervene to protect the
33 public interest and ensure that the provisions of this chapter are
34 complied with.

1 (3) This section does not apply to decisions related to the
2 harvest or sale of perishable fire-damaged timber pursuant to RCW
3 79.15.220.

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