

Petition for Rule making Timber Harvest on Islands rule May 10th, 2023

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Forest Regulation Division



Petition for Timber Harvest on Islands Rulemaking

Petition Objectives:

To address cumulative effects of the timber harvest on islands,
through changes to *WAC 222-30-110*

WAC 222-30-110

- 1) A landowner shall not harvest by clearcut so that more than forty contiguous acres of that landowner's forest land are in a clearcut condition
- 2) Forest land harvested by clearcut remains in the clearcut condition until it has reached canopy closure or it has been reforested for at least ten years;



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3) Clearcut harvest units are contiguous unless separated by a buffer at least two hundred feet wide that has reached canopy closure, has been reforested for at least ten years, or is in a land use other than timber production.

4) Within two hundred feet of the bankfull width of saltwater timber harvest shall be by selective harvest only, so that no more than thirty percent of the merchantable trees are harvested in any ten-year period...



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5) The requirements of this section shall not apply to timber harvest or salvage timber damaged by wind, disease, insects, fire, or other natural causes.



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Petition:

- Requested rule to limit clear cut harvest to 40 acres on saltwater islands, the 40 acres harvest size limit is to be calculated regardless of ownership, including “ adjacent areas recently harvested or approved for harvest by clear cut or even aged methods are counted in the acreage.”
- Suggested DNR consider establishing an entity screening procedure to identify if adjacent forest lands are under a similar corporate ownership. Resulting in DNR not treating limited liability companies as separate legal entities if similar corporate ownership.



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Staff Recommendation:

Deny petitioner's request for rule amendment reasoning:

- During the rule making in 1992 there was a discussion (see section (B) (6), supra) for a proposal to regulate harvest size and timing without regard to ownership. The FPB rejected the proposal because of the recognition of private property rights and the importance of an individual's ability to plan for actions only on one's own property.
- Scale of impact - WAC 222-16-010- Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.



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Staff Recommendation:

Deny petitioner's request for rule amendment reasoning:

- DNR is not aware of any discussions with the 10 counties involved regarding the concern of this rule petition
- Creating a race to be the first landowner to harvest the 40 acres to take advantage of the limited harvest size within a time frame.
- Difficult to nearly impossible to implement when two simultaneous applications are received
- Limited Liability Company (LLC) is a legal entity according to WA Business Corporation Act
(RCW.23.95.105).



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The petition was received as complete on May 3rd , 2023.

The Board must act within 60 days, by July 3rd, either accept the petition and initiate rulemaking, or deny the petition in writing stating its reasons for denial and specifically addressing Mr. Poss (WAC 222-08-100).

