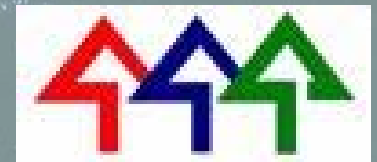


Transfer of Forest Practices Jurisdiction: Class IV-General

**Washington State Department of Natural Resources
and
Snohomish County**





List of Acronymns:

COHP = conversion option harvest plan

CUP = conditional use permit

DNR = Washington State Department of Natural Resources

FPA = forest practices application

HPA = hydraulic project approval

NPDES = National Pollution Discharge Elimination System

RCW = Revised Code of Washington

RMZ = riparian management zone

SEPA = State Environmental Policy Act

SMA = Shoreline Management Act

SMP = Shoreline Management Program

UGA = urban growth area

URDS = urban residential design standards

WAC = Washington Administrative Code

WDFW = Washington State Department of Fish & Wildlife



What are Forest Practices?

- **Timber management activities, including:**
 - **timber harvest**
 - **pre-commercial thinning**
 - **spraying of herbicides and pesticides**
 - **salvage of down and diseased trees**
 - **construction of forest roads including associated mineral extraction and water crossings**





What are Forest Practices?

- Forest practices associated with *continued* forest management activities:

Class I, Class II, Class III and Class IV-Special

- Forest practices where land is likely to be converted to a *non-forestry use*:

Class IV-General





What are Forest Practices?

WAC 222-16-050

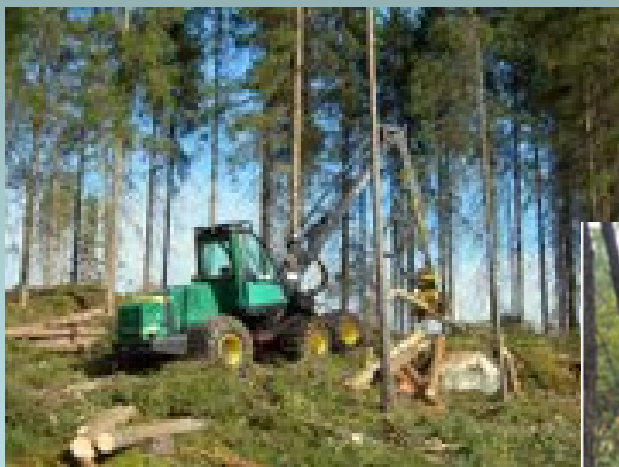
- **Class I:** No permit or authorization required, “no direct potential for damaging a public resource”.
- ✓ Forest practices outside of shoreline areas, RMZs, or wetlands
- ✓ Cutting or removal of less than 5,000 board feet by volume
- ✓ Contiguous ownership less than 2 acres
- ✓ Road construction < 600 feet on side slope <40%
- ✓ Portable water crossings and culverts w/out HPA needed
- ✓ Landings < 1 acre
- ✓ Some ground or aerial application of chemicals <40 acres
- ✓ Forest practices within boundaries of golf course or cemetery



What are Forest Practices?

WAC 222-16-050

- **Class II:** Notification only, partial cutting or salvage of 40% or less of timber volume, no intrusion into riparian management zone or wetlands, harvest on less than 40 acres, roads 600 feet or more on slopes under 40%, landings under 1 acre.



Feller buncher harvesting trees





What are Forest Practices?

WAC 222-16-050

- **Class III:** Permit required, larger commercial-type operations, replanting required (clear cuts, harvest or forest roads on steep slopes, streams and shorelines involved, large landings or borrow pits, HPAs, etc.)





What are Forest Practices?

WAC 222-16-050

- **Class IV-Special:** Subject to SEPA, aerial spraying of pesticides with substantial potential for environmental impacts, steep unstable slopes, critical habitat, parks, registered historic / archeological sites, filling/drainage of a wetland





What is a Class IV-General Forest Practice?

- **Class IV-G:** Timber management activities, including harvest or road construction, on lands likely to be converted to a different use.
- What are “lands likely to be converted”?
 - All lands platted after 1960
 - All lands within the UGAs – EXCEPT where the land owner has indicated in writing a long-term commitment to timber management.
 - All lands where the land owner has declared an intent to change the use

[WAC 222-16-050(2)]



Why is the jurisdiction over Class IV-G's changing?

➤ **HB 1409, passed by the state in 2007:**

- **Requires certain local governments to adopt ordinances that allow the authority to approve or disapprove forest practices to be transferred from the DNR to the local government by December 31, 2008.**
- **Removes the current December 31, 2005, deadline for the adoption of ordinances by local governments**






How are forest practices reviewed now?

➤ DNR has the primary authority for:

- all forest practices permit review, approval and issuance
- monitoring timber management activities for compliance with permit conditions
- lead for SEPA on all Class IV-S
- lead for SEPA of Class IV-G when the platted lands or the intended conversion does not require a permit from the county
- collection of fp permit fees



**WASHINGTON STATE DEPARTMENT OF
Natural Resources**

**Forest Practices Application/Notification
Western Washington**

For DNR Region Office Use Only	
FPA/N #:	
Region:	
Received Date:	

**YOU MUST USE THE INSTRUCTIONS TO COMPLETE THIS APPLICATION.
TYPE OR PRINT IN INK.**

1. Landowner, Timber Owner, and Operator

Legal Name of LANDOWNER	Legal Name of TIMBER OWNER	Legal Name of OPERATOR
Mailing Address:	Mailing Address:	Mailing Address:
City, State, Zip	City, State, Zip	City, State, Zip
Phone ()	Phone ()	Phone ()
Email:	Email:	Email:
2. Contact person

Contact Person	Phone ()
	Email:
3. Are you a small forest landowner?
 No. Yes. *If Yes and harvesting/salvaging timber, include a Checklist RMAP, unless exempt (see instructions)*
4. Are you substituting prescriptions from an approved state or federal conservation agreement or watershed analysis?
 No. Yes. *Write "Using Prescriptions" in tables that apply. Attach or reference prescriptions/crosswalk on file.*
5. What is the legal description of your forest practice?

¼¼ (quarter quarter)	Section	Township	Range	E/W	Tax Parcel Number	County
6. Have you reviewed this forest practices activity area to determine whether it may involve historic sites and/or Native American cultural resources? *Read the instructions before answering this question.*
 No. Yes.

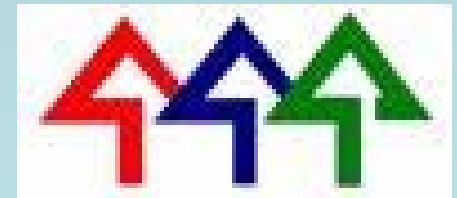
QQ-46W (7-22-07) 1 of 5 WESTERN WASHINGTON



How are forest practices reviewed now?

The County's responsibility has been limited to:

- **permit application review for Class IV-G**
- **lead agency for SEPA when the platted lands or conversion will require a county permit or when within the UGA**
- **the County may request that DNR condition the Class IV-G permit to comply with local regulations.**
- **the County may request that DNR deny the Class IV-G permit.**





How are forest practices reviewed now?

- **The County has two additional jurisdictional responsibilities:**
 - **Approval of Conversion Option Harvest Plans (COHP)**
 - **Implementation of the Shoreline Management Act for forest practices on shorelines of statewide significance**





Conversion Option Harvest Plans (COHP)

➤ **Conversion Option Harvest Plan (COHP) is a plan developed by the land owner and approved by the county addressing:**

- **Limits of harvest**
- **Road Location**
- **Critical Areas**
- **Open Space**
- **Reforestation**





Shoreline Management Act

[RCW 90.58.150]

- **The Shoreline Management Act regulates forest practices within 200 feet of shorelines of statewide significance:**
 - **Limits harvest volume to 30% within a ten year period**
 - OR -**
 - **Requires a conditional use permit from the local jurisdiction**





What will the County's responsibility be after the transfer of jurisdiction?

- **The County will maintain authority over COHP's and Shoreline CUPs**
- **The County will assume jurisdictional authority over all Class IV-G activities and *almost* all forest practices within Urban Growth Areas**
 - **Conversions**
 - **Application on lands platted after 1960**
 - **Lands not to be reforested due to likelihood of conversion**
 - **All forest practices within Urban Growth Areas, EXCEPT . . .**



What will the County's responsibility be after the transfer of jurisdiction?

The County will have authority for all forest practices within the Urban Growth Area (UGA), EXCEPT:

➤ when a landowner has twenty acres or greater of contiguous forest land

- AND -

➤ the landowner provides to DNR and to the County:

▪ a written statement of intent not to convert to a use other than growing commercial timber for ten years

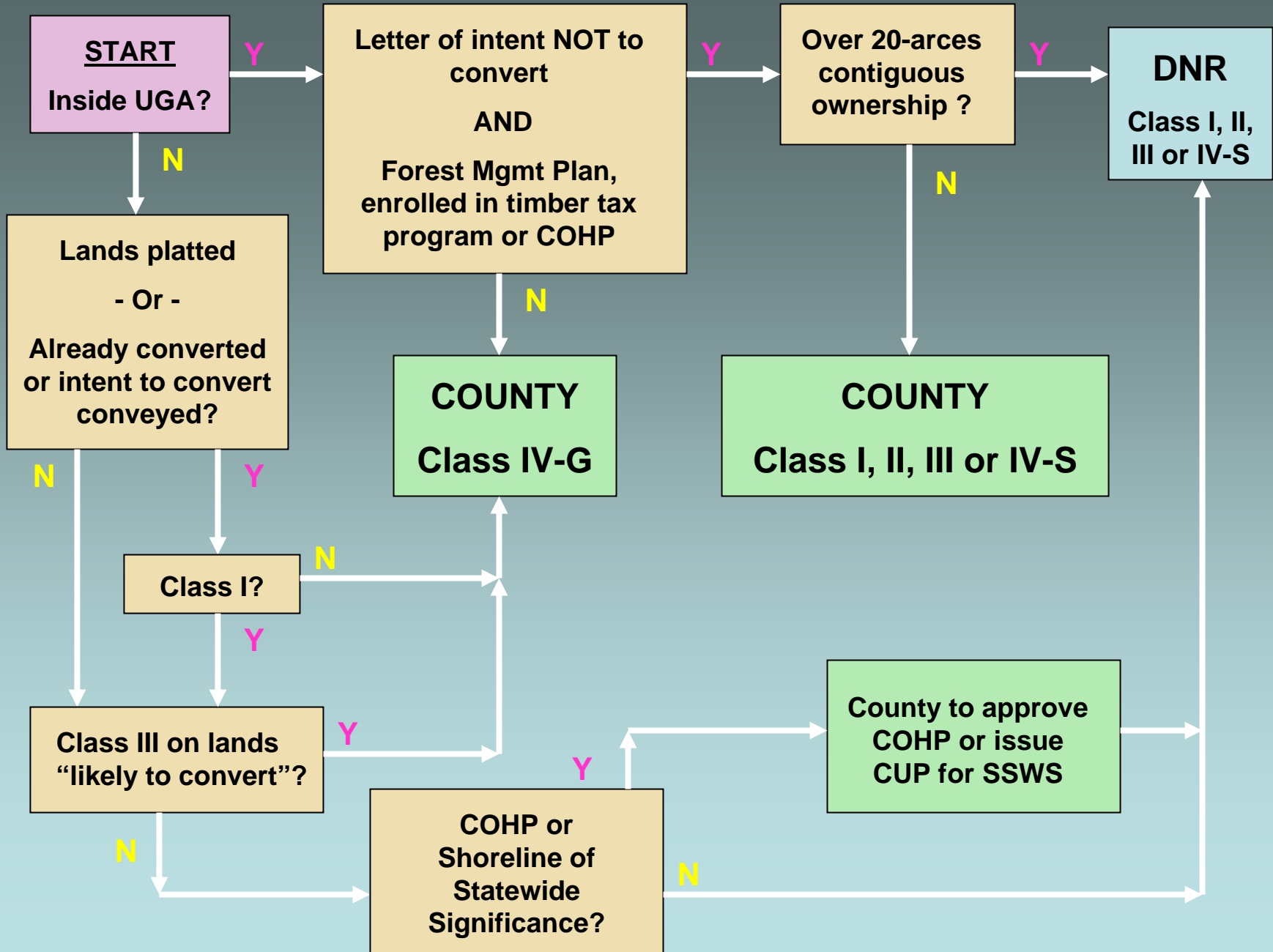
- AND -

▪ A written forest management plan acceptable to the DNR

- OR -

▪ Documentation that the land is enrolled with the County as forest land of long-term commercial significance.

Forest Practice Class	Inside UGA			Outside UGA
	w/ statement of intent NOT to convert AND FMP, RCW 84.33 or COHP		w/out statement of intent “Conversion”	
	20 acres or larger	Less than 20 acres		
Class IV-S	DNR	COUNTY	COUNTY	DNR
				COUNTY (if on lands platted, conversions or lands likely to convert)
Class I	DNR	COUNTY	COUNTY WAC 222-16-050(2)(c) assigns these forest practices as Class IV-G	DNR
Class II	DNR	COUNTY		DNR
Class III	DNR Except that County has jurisdiction over Shoreline CUP or COHP	COUNTY		DNR Except that County has jurisdiction over Shoreline CUP or COHP
Class IV-G	n/a	n/a	COUNTY	COUNTY





Need new County regulations for Class I, II, III and IV

New regulations must address:

- **Provisions requiring appropriate approvals for all phases of Class IV-G conversion of forest lands, including clearing and grading**
- **Provisions for Class I, II, III and IV-S forest practices**
- **Procedures for collection and administration of permit and recording fees**
- **Administration and enforcement**
- **Verification that property has not been subject to a “notice of conversion” during the six years prior to submission of a permit application**
- **Notification to state Department of Revenue w/in 60 days of permit approval**



What is a “notice of conversion”?

A “notice of conversion” is sent to the County by DNR when a landowner harvests without an approved application or notification, or the landowner does not state that any land covered by the application or notification will be or is intended to be converted [RCW 76.09.060(3)(b)]

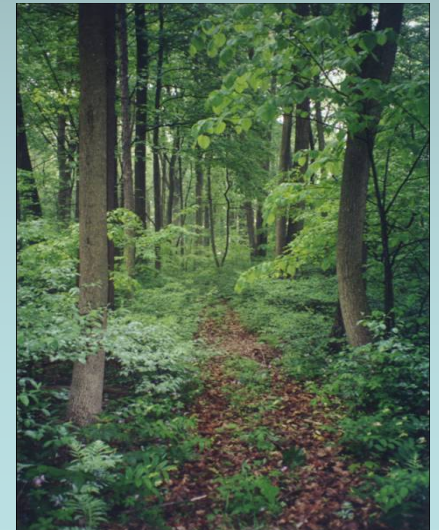
Land that is the subject of a “notice of conversion” is subject to the development prohibition and conditions provided in RCW 76.09.460. [RCW 76.09.060(3)(e)]

RCW 76.09.460(1) requires the County to deny all applications for permits or approvals for a period of six years unless all criteria in RCW 76.09.460(2) are satisfied



Need new County regulations for Class I, II, III and IV

- **The new regulations must also:**
 - **Be in compliance with RCW 36.70A.130 for critical areas and development regulations**
 - **Be consistent with other county codes and permit processes (critical areas, SEPA, URDS, NPDES, SMP)**
 - ✓ **Thresholds**
 - ✓ **Fees**
 - ✓ **Review procedures**
 - ✓ **Definitions**





Related County regulations

- **Critical Area Regulations:** require vegetation retention in buffers and on steep slopes
- **SEPA:** all Class IV-G and Class IV-S are subject to SEPA requirements
- **URDS: (PROPOSED)** landscaping and tree retention requirements
- **NPDES: (PROPOSED)** requires Land Disturbing Activity (LDA) permit for all clearing of areas 7,000 square feet or larger.
- **SMP:** limits timber harvest within 200 feet of shorelines of statewide significance and requires a conditional use permit.



What does the jurisdictional change mean for the County?

➤ There are 1,941 parcels (13,566 acres) within the UGA's which are 2 acres or larger in size and coded as "vacant" in the County Assessor records

➤ There are 25 parcels (812 acres) within the UGA's which are enrolled in a timber tax class indicating a long term commitment to timber management. 15 of the 25 are larger than 20 acres (692 acres).





What does the jurisdictional change mean for the County?

- **The County reviewed 110 Class IV-G permits last year.**

