

Petition for Rulemaking Timber Harvest on Islands rule February 8, 2023

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Petition for Timber Harvest on Islands Rulemaking

Petition Objectives:

To address concerns regarding the implementation of the timber harvest on islands, specifically in subsection (1) of WAC 222-30-110 which states “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”

Specifically they ask if the definitions of “Forest landowner” in WAC 222-16-010 and the related definitions of “Forestland owner” and “Person” in RCW 76.09.020 are used by the DNR when reviewing FPAs



Petition for Timber Harvest on Islands Rulemaking

Petition Requests:

- Amend the definition of “forest landowner” in WAC 222-16-010 and/or directly reference in WAC 222-30-110 to bring clarity to forest landowners having shared interests in multiple adjacent properties and with the intention of multiple FPAs of the 40 acre limitation of clearcut size for timber harvests on islands per the rule; and,
- DNR consider establishing an entity affiliate analysis procedure to identify if adjacent forest lands are under the “*actual control*” of the same landowner listed on an FPA to ensure compliance with the intent of the timber harvest on islands rule.



Petition for Timber Harvest on Islands Rulemaking

Staff Recommendations:

1. Deny petitioner's request for rule amendment

- Current understanding of the suggested recommendations would not resolve the petition writer's concerns through amending the definition of "forest landowner"
- A procedure to determine if the FPA listed landowner has "actual control" interests of the timber on adjacent lands is broadening of the DNR FPA review and would rely on county information.
- Limited Liability Company (LLC) is a legal entity according to WA Business Corporation Act (RCW.23.95.105).



Petition for Timber Harvest on Islands Rulemaking

Recommendations, continued:

2. Request the Board chair to direct DNR Staff to continue conversations with petition writers, and Island county staff to:
 - Ensure their concerns are understood;
 - Discuss the regulatory authority roles and responsibilities with county staff and DNR staff; and
 - Report to the Board the solution, including potential rulemaking.



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The petition was received as complete on January 26, 2023.

The Board must within 60 days, by March 27th, either accept the petition and initiate rulemaking, or deny the petition in writing stating its reasons for denial and specifically addressing Mr. Poss and Ms. Warner's concerns. (WAC 222-08-100)

A meeting has been scheduled with the petition writers, Island county staff and DNR staff to discuss the concern and explore viable options.

