MEMORANDUM

TO: Forest Practices Board

FROM: Gretchen Robinson, Natural Resource Specialist

DATE: July 9, 2010

SUBJECT: Consider Rule Making: Forest Biomass Removal

On August 10th I will request that the Board consider rule making to amend WAC 222-16-010 in the following ways:

- Add "removal of forest biomass" to the definition of "forest practice"; and
- Add a definition of "forest biomass."

Forest Practices staff have observed a marked increase in the removal of forest biomass, the by-product of forest practices activities. This is because there is economic opportunity in what once was considered a waste product, but is now considered a renewable resource for energy production. Some landowners are documenting these activities in their forest practices applications, mostly in conjunction with other forest practices activities. However, Department of Natural Resources field staff are noting that activities are going on unreported; especially those not conducted along with other forest practices activities.

A reason for this could be that the rules are not explicit that removal of forest residuals is a forest practice. (For your convenience, attached is the current definition of "forest practice" in WAC 222-16-010). The risk is that landowners and operators will not recognize that the same resource protections apply to this activity as for other forest practices activities.

We suggest that explicitly including "forest biomass removal" within the definition of "forest practice" will greatly increase the likelihood that the public resource protections afforded by the rules are maintained. That is, required leave trees and down logs will not be inadvertently removed, equipment limitations will be adhered to, and roads will be constructed and maintained to the standards required by rule.

To complement this rule change and to add further clarity, we suggest that "forest biomass" should be defined. If the Board approves proceeding with rule making, staff will work with stakeholders to construct that definition.

On August 10th staff will present an overview of forest biomass removal activities occurring in Washington's forests. I will request that the Board direct staff to file a CR-101, *Preproposal Statement of Inquiry*, to inform the public that the Board is considering rule making related to forest biomass removal activity. I will be available at (360) 902-1705 after August 2 if you have questions.

GR/

Definition of "forest practice" in WAC 222-16-010

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

Road and trail construction;
Harvesting, final and intermediate;
Precommercial thinning;
Reforestation;
Fertilization;
Prevention and suppression of diseases and insects;
Salvage of trees; and
Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.