SMALL FOREST LANDOWNER ADVISORY COMMITTEE
Notes July 22, 2025

Present:
WA. Farm Forestry Association (WFFA) representatives: Chair: John Henrikson, Bill Kemp, Phil Hess
DNR: Tami Miketa
Additional attendees:
Other DNR staff: Holly Haley, Daniel Hevezi, Mike Gilgunn, Noah Nequette, Hollis Crapo, Tiffany Pratt, John McIntyre, Maggie Franquemont, Carla Fosberg, Mark Herbeck
WFFA Member: Ken Miller

Review 4/15/2025 SFLAC Meeting Notes
Accepted as written.

SFLO & SFLAC Updates
Tami provided an update on the FY25-27 Capital Budgets:
FREP received $4.9 million appropriation, with $6.356 million reappropriation.
FFFPP received $7.904 million appropriation, with $5.1149 million reappropriation.
RHOSP received $4.631 million appropriation with $0 reappropriation.
Operating Budget: $2 million for the small forest landowner office, to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forests and fish act regulations.

Mark Herbeck, the new Conservation Easement Forest Cruiser was introduced to the SFLAC.

fpOnline Update

Forest Practices Forms
The Forms Committee is getting into full swing on forms updates and Mack told the AC that they would be kept well informed of any changes that are made.

Update to Board Manual 17
1. Criteria to use for determining "Commercially Reasonable Harvest".

WAC 222-21-032 **FREP Eligibility Criteria for a Commercially Reasonable Harvest**
WAC 222-21-032(4) states:
Commercially reasonable harvest. *The small forest landowner office will consider the following criteria to determine if an area covered by a forest practices application involves a commercially reasonable harvest. The proposed harvest must meet all five of the following requirements:*
(a) The harvest unit is immediately adjacent to or physically connected to qualifying timber;
(b) The application is for a forest practice involving a timber harvest and the harvest would not result in a conversion to a use other than commercial timber operation;
(c) The landowner is not eligible for the twenty-acre exemption under WAC 222-30-023;

(d) The value of the timber in the harvest unit, excluding qualifying timber, equals or exceeds one thousand dollars; and
(e) The value of the taxable harvest equals or exceeds the value of the qualifying timber established under WAC 222-21-045 ***unless otherwise approved by the small forest landowner office.***

The SFL Office has the authority to approve what may or may not be considered a "commercially reasonable harvest". To effectively make this determination, the SFL Office has identified specific criteria to use when making this determination. Those criteria are:

- When was the property purchased?
- What is the acreage of the qualifying timber versus the acreage of the harvest?
- What is the landowners forest management history?
- Is there any other area in the vicinity of the qualifying timber that can be harvested?
- Did the previous landowner qualify as a small forest landowner per RCW 76.09.450?
- Are there other circumstances the SFL Office may determine as "otherwise approved"?

Additionally, the SFL Office may delay processing a Forestry Riparian Easement if the SFL Office needs additional information when making this determination.

KelliAnne and Tami distributed a proposal for criteria to use when determining a "Commercially Reasonable Harvest".

- The AC said the proposal seems reasonable, adds clarity of consideration.
- Committee doesn't want to exclusively 'bound by bullets'.
- Would like SFLO to retain some ability to yay or nay depending on situation
- Emphasis on 'considerations' not 'criteria'.
- AC recommended reconvening the committee for Board Manual 17 and discussing how to implement this proposal.

2. WAC 222-21-032 (4)(d) states: *The value of the timber in the harvest unit, excluding qualifying timber,* ***equals or exceeds one thousand dollars.***

This is a concern for the SFL Office as this number has never changed. The AC agreed maybe to strike this number out altogether? It is an arbitrary/silly number. If this is important, daylight the problem, show scenarios where it would pose a problem to SFLO.

Eric McDougal said that this also impacts 'uneconomic to harvest'. If we raised it, it would be easier for landowners to qualify for uneconomic. If we strike it out, we will need to add clarifying language to the uneconomic portion of the WAC.

3. WAC 222-21-032 (4)(b) states: *The application is for a forest practice involving a timber harvest and the harvest would not result in a conversion to a use other than commercial timber operation.*
   Conversions within a harvest area. There are scenarios where a landowner owns for example 40 acres of forestland and he/she converts one of those acres out of forestland to build a house. Under this WAC the entire 40 acres would be ineligible for FREP.
   The SFL Office believes there should be criteria for allowing some conversions.

The AC discussed:

- Landowners would need additional language for LTA Class III
- Any Class IV-G should not be eligible for FREP.
- We shouldn't address the FPA Class, we should address the incident of conversion.
- Could make it a requirement that converting landowners provide a forest management plan.
- Add phrasing from WAC 222-21-032 (4)(e) "unless otherwise approved by the SFLO". This would be a rule change.

4. "Large" small forest landowners
   - An example was discussed repeat applicant who has received >$1.1million from FREP, is on the waiting list for another $750K, technically meets the definition of a 'qualifying small' but doesn't meet the intent of FREP. KA proposes rewording of 'qualifying landowner' WAC.

   Proposal to adopt the language in 76.13.005 (1) limiting small forest landowners to those owning less than 5,000 acres. The RCW states:
   The legislature hereby finds and declares that:
   (1) Over half of the private forest and woodland acreage in Washington is owned by landowners with less than five thousand acres who are not in the business of industrial handling or processing of timber products.

   The AC discussed:

   - adding the 5,000-acre criteria would "ding" some small forest landowners.
   - In favor, we should adopt.
   - Opposed, absolutely not.
   - Mathematically, this shouldn't be possible to have so much acreage AND be harvesting less than 2 MMBF/year. That's why that criteria exists.
   - We can revisit the question with Dept. of Revenue, but we've attempted to verify for multiple time periods.
   - We need to conduct more investigation/consideration and discussion.

5. What activities are allowed in a forestry riparian easement?
   There have been numerous inquiries as to what could be allowed inside the easement premises. The FREP contract states to "protect riparian function".
   AC discussion:

   - Shouldn't only trees be protected? Trees are proxies for riparian function.
   - What is a tree? Easement is on ALL trees, not just the ones that have timber value. Old trees will stop providing function, and new trees will grow to provide function.
   - Remove riparian function from the FREP contract.
   - Class 1s as approved should be allowed.

These potential updates to Board Manual 17 will be discussed again at the October 21 Small Forest Landowner Advisory Committee meeting. One exception is the Criteria to use for determining "Commercially Reasonable Harvest". These criteria will be discussed with, and approved by, the BM 17 Work Group before presenting this to the Forest Practices Board for their approval to add to BM 17.

Type Np Rulemaking

At the June 6, 2025 Forest Practices Special Board Meeting, the Forest Practices Board moved to approve the Western Washington Type Np Buffer proposed rules for the public review process and further moved to request staff to file a CR102 Proposed Rule Making to initiate the public review process. The amended rule in this rulemaking is 222-30-021 and adding a new section 222- 2 30-0211 approved the action to consider approval of
Four public hearings are scheduled in western WA as follows:

- July 23 – McClelland Center, 951 Delaware Street, Longview
- July 29 - Sedro-Woolley Community Center, 703 Pacific Street, Sedro Wolley
- August 4 - Vern Burton Gym, Parks & Recreation Department 308 East 4th Street, Port Angeles
- August 12 - Office Building 2, Auditorium, 1115 Washington St. SE, Olympia

Committee Adjourned