Small Forest Landowner Guide to Forest Practices

Josh Meek
“How to Manage a Timber Sale” Workshop
1/21/2017
Forest Practices Act (RCW 76.09)

Enacted in 1974

- Established Forest Practices Board
- Gave Authority to make Rules
- Divided Activities into 4 Classes
TO PROTECT PUBLIC RESOURCES WHILE MAINTAINING A Viable Timber Industry
PRE 1974

Always Evolving

Always Adapting

1976
1982
1986
1987
2000
Why DNR?

Forest Practices Act assigns administration and enforcement of rules primarily to DNR
Working With Other Agencies

Fish and Wildlife (WDFW)
Ecology (DOE)
Federal Government (USFWS, USFS)
Tribes
Revenue (DOR)
Local Government
Purpose of Forest Practices Laws

To Protect “Public Resources”

- Water
- Fish
- Wildlife
- Capital Improvements of the State
THE WATER
WETLANDS are water also
THE FISH
Capital Improvements and Public Safety
What is a Forest Practice?

Activity on Forest Land which relates to growing, harvesting, or processing of timber.

Examples include:

- Road Construction
- Timber Harvest
- Precommercial Thinning
- Reforestation
- Chemical or Fertilizer Application
Forest Practices Jurisdiction

Forest Land

All land capable of supporting a merchantable stand of timber, and is not being actively used for a use which is incompatible with timber growing.

- What’s actually there is what matters
- Zoning or Tax codes do not matter
Classes of Forest Practices

- **Class I**: No direct potential to damage a public resource.
- **Class II**: Public resources not on site, therefore potential for damage is minimal.
- **Class III**: Public resources on or near site, therefore potential for damage exists.
- **Class IV Special**: has significant potential to impact public resources.
- **Class IV General**: Conversion from forest land
Class I Forest Practices
(No FPA Needed)

- Road maintenance except stream crossings
- Pre-commercial thinning
- Ground application of chemicals, except in water
- Slash burning-slash control (may need a permit from Wildfire or County)
- Road construction less than 600 ft, slopes <40%
- Cutting and/or removal of less than 5,000 board feet of timber for personal use in any 12 month period (firewood, fence posts, etc)
- Culture and harvest of Christmas trees
- Tree planting

(No FPA Needed)
Class I

Road Maintenance
Class I
Class I
Class II Forest Practices
(FPN Required, 5 days)

- Forest Practice Renewals
- Salvage logging, except near water
- Partial cutting 40% or less of live volume
- Harvest of less than 40 acres having no public resources on site
- Road construction of more than 600 ft with no water crossings
Class II

Thinning
Class II
Road Construction

- no water (streams/ wetlands)
Class III Forest Practices
(FPA Required, 14 – 30 days)

- Within shorelines of state
- Aerial application of pesticides
- Activities not included in Class I, II, IV
- Alternate plans
- Multiyear permits
- Harvest or road construction near waters (streams, wetlands, lakes)
- Those requiring a hydraulic project approval (HPA)
Class III

Stream Crossing Installation
Class III

Standard Timber Harvest
Class IV Special Forest Practices
(FPA Required, 14 – 30 days)

- Unstable slopes
- Archaeological and historical sites
- Filling or draining more than a 1/2 acre of a wetland
- Critical habitat of T & E animal species
Class IV Special

- May require report from a technical expert (geologist, archeologist, biologist, etc)

- Requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA)
Class IV- Special

Unstable Slopes
Class IV - Special

T & E Species
Class IV- General
(FPA Required, 14 – 30 days)

Within Urban Growth Boundaries or inside city limits Conversions:

- Changing the land use to one which is incompatible with timber growing.
Class IV General

- May require processing with Local City/County.

- Requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA)
Class IV Generals
Some FP Rules to Get You Started

- Riparian Management Zones (RMZs)
- Wetland Management Zones (WMZs)
- Wildlife Reserve Trees/Green Recruitment Trees
- Reforestation
- Unstable Slopes
- Road Construction
No inner zone management RMZ widths for Western Washington

<table>
<thead>
<tr>
<th>Site Class</th>
<th>RMZ width</th>
<th>Core zone width (measured from outer edge of bankfull width or outer edge of Z of water)</th>
<th>Inner zone width (measured from outer edge of core zone)</th>
<th>Outer zone width (measured from outer edge of inner zone)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>stream width ≤10'</td>
<td>stream width &gt;10'</td>
<td>stream width ≤10'</td>
</tr>
<tr>
<td>I</td>
<td>200'</td>
<td>50'</td>
<td>83'</td>
<td>100'</td>
</tr>
<tr>
<td>II</td>
<td>170'</td>
<td>50'</td>
<td>63'</td>
<td>78'</td>
</tr>
<tr>
<td>III</td>
<td>140'</td>
<td>50'</td>
<td>43'</td>
<td>55'</td>
</tr>
<tr>
<td>IV</td>
<td>110'</td>
<td>50'</td>
<td>23'</td>
<td>33'</td>
</tr>
<tr>
<td>V</td>
<td>90'</td>
<td>50'</td>
<td>10'</td>
<td>18'</td>
</tr>
</tbody>
</table>
### RMZs-Type Np and Ns Streams

**Required no-harvest, 50-foot buffers on Type Np Waters.**

<table>
<thead>
<tr>
<th>Length of Type Np Water from the confluence of Type S or F Water</th>
<th>Length of 50' buffer required on Type Np Water (starting at the confluence of the Type Np and connecting water)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 1000'</td>
<td>500'</td>
</tr>
<tr>
<td>Greater than 300' but less than 1000'</td>
<td>Distance of the greater of 300' or 50% of the entire length of the Type Np Water</td>
</tr>
<tr>
<td>Less than or equal to 300'</td>
<td>The entire length of Type Np Water</td>
</tr>
</tbody>
</table>

- **30’ equipment limitation zone (ELZ) on Np and Ns**
- **Type Ns Streams-No buffer, just ELZ**
# Western Washington Riparian Leave Tree Requirements

## For exempt 20-acre parcels

<table>
<thead>
<tr>
<th>Water Type/Average Width</th>
<th>RMZ Maximum Width</th>
<th>Ratio of Conifer to Deciduous/Minimum Size Leave Trees</th>
<th># Trees/1000 ft. each side</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>representative of stand</td>
<td></td>
</tr>
<tr>
<td>S or F Water greater than or equal to 75'</td>
<td>115'</td>
<td>2 to 1 12&quot; or next largest available</td>
<td>58 trees</td>
</tr>
<tr>
<td>S Water less than 75' and F Water less than 75' and greater than or equal to 10'</td>
<td>86'</td>
<td>2 to 1 12&quot; or next largest available</td>
<td>115 trees</td>
</tr>
<tr>
<td>F Water less than 10' and greater than or equal to 5'</td>
<td>58'</td>
<td>1 to 1 6&quot; or next largest available</td>
<td>86 trees</td>
</tr>
<tr>
<td>F Water less than 5'</td>
<td>29'</td>
<td>1 to 1 6&quot; or next largest available</td>
<td>29 trees</td>
</tr>
</tbody>
</table>
## WMZs

<table>
<thead>
<tr>
<th>Wetland Type</th>
<th>Acres of Nonforested Wetland*</th>
<th>Maximum WMZ Width</th>
<th>Average WMZ Width</th>
<th>Minimum WMZ Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (including bogs)</td>
<td>Greater than 5</td>
<td>200 feet</td>
<td>100 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>A (including bogs)</td>
<td>0.5 to 5</td>
<td>100 feet</td>
<td>50 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>A (bogs only)</td>
<td>0.25 to 0.5</td>
<td>100 feet</td>
<td>50 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>B</td>
<td>Greater than 5</td>
<td>100 feet</td>
<td>50 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>B</td>
<td>0.5 to 5</td>
<td>100 feet</td>
<td>50 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>B</td>
<td>0.25 to 0.5</td>
<td>No WMZ required</td>
<td>No WMZ required</td>
<td></td>
</tr>
</tbody>
</table>

Within the WMZ, leave a total of **seventy-five** trees per acre of WMZ greater than six inches dbh in Western Washington.
WRTs and GRTs

- for each acre harvested three wildlife reserve trees, two green recruitment trees, and two down logs shall be left

- wildlife reserve trees ten or more feet in height and twelve or more inches dbh shall be counted toward wildlife reserve tree retention requirements

- Green recruitment trees, ten or more inches dbh and thirty or more feet in height
Reforestation Standards

- an average of 190 or more vigorous, undamaged commercial species seedlings per acre that have survived on the site for at least 1 growing season

- Competing vegetation shall be controlled to the extent necessary to allow establishment, survival, and growth by commercial species.
Road Construction

- To protect water quality and riparian habitat, roads must be constructed and maintained in a manner that will prevent potential or actual damage to public resources
  - Providing for fish passage at all life stages;
  - Limiting delivery of sediment and surface runoff to all typed waters;
  - Minimizing the construction of new roads;
Rules to Investigate

- Unstable Slopes-CRUCIAL-Board Manual Section 16
- Northern Spotted Owl and Marbled Murrelet Issues
- Road Maintenance and Abandonment—generally a checklist for SFLs
- Forest Chemicals-WAC 222-38
- Forest Practices Hydraulics Projects-Board Manual Section 5
- Channel Migration Zones-Board Manual Section 2
How does DNR enforce Forest Practices Rules?
Enforcement Policy
Department personnel shall enforce the laws and rules within their authority with a uniform and fair application of the lowest level of enforcement required to achieve compliance.
The Small Forest Landowner Office

• “The small forest landowner office has been established within the department to be a resource and focal point for small forest landowner concerns and policies.” (WAC 222-12-0402 *Assistance available for small forest landowners)
Small Landowner Assistance

- Technical Assistance-General FPA questions, 20 acre exempt rules, alternate plans, long term FPAs, etc...
- Fish passage barrier cost sharing (FFFPP)
- Forestry riparian easement program (FREP)
Landowner Assistance

Alternate Plans:
Site specific management opportunities

Provides flexibility with Forest Practices Rules

Must provide protection at least equal in overall effectiveness to FP Rules
Long-Term Applications for Small Forest Landowners

- 4-15 year Forest Practices Application
- Reduces paperwork over the long-term
- Provides flexibility in management
- Landowner must provide DNR a 5 day notice before harvest activities can begin.
Forest Stewardship Program
Additional Services

- Online at www.dnr.wa.gov
- Forest practices application
- Forest Practices Rule book - WAC 222
- RCW 76.09 & 76.13
- Application Instructions
- Small Landowner Web Site
Questions?