



King County

**Minutes
King County Rural Forest Commission
March 21, 2007
Preston Community Center, Preston, Washington**

Commissioners present: Alex Kamola, Julie Stangell, Doug Schindler, Leonard Guss, Doug McClelland, Kevin Buckley, Lee Witter Kahn and Ron Baum

Commissioners absent: Jim Franzel and Dennis Dart

Ex officio member present: Randy Sandin

Ex officio members absent: Marilyn Cope and Amy Grotta

Staff: Bill Eckel, Section Manager Office of Rural and Resource Programs; Harry Reinert, Department of Development and Environmental Services; Kathy Creahan, Farm and Forest Programs Manager; Kristi McClelland, Forester; Bill Loeber, Forester and Linda Vane, Liaison for the Rural Forest Commission

Guests: Mike Marsh, Hancock Timber; Doug Schrenk, USDA Forest Service; DeeAnn Hansen, small forest landowner; and Matt Rourke, International Forestry Consultants

Meeting Summary

Action Items:

1. RFC members will review the sections of the King County Comprehensive Plan that are related to forests and forestry (distributed at the meeting) and will email Kathy Creahan comments and proposed new language or will bring proposed changes to the May 16 meeting.
2. Linda Vane will compile a list of past accomplishments of the Rural Forest Commission.

Motions:

Motion 1-17-07 That the minutes from the January 17, 2007 meeting be approved with the following corrections: that in the first paragraph of page two, the words “each month” be changed to “every other month,” that in the last paragraph of page 3 the word “February” be changed to “December” and that the second paragraph on page 8 be changed to read “Alex asked the staff to research and report back to the commission if Washington Department of Natural Resources (WDNR) had accepted from Pierce County jurisdiction for Class IV-General Forest Practices Permits.” The motion was moved, seconded and unanimously approved.

Alex Kamola called the meeting to order at 9:30 a.m.

Election of officers for 2007

Julie Stangell was elected chair and Doug McClelland was elected vice chair of the Rural Forest Commission for 2007. Kevin Buckley and Ron Baum will serve on the Executive Committee with the Chair and Vice Chair. Alex Kamola will serve as an alternate member.

Alex turned the meeting over to Julie as the new chair. Julie Stangell thanked Alex on behalf of the RFC for the outstanding job he did as chair of the RFC for the last two years.

Staff Reports

Linda Vane, Liaison for the RFC

Linda distributed fliers for the March 18 Small Farm Expo at the Enumclaw Fairgrounds. The event is sponsored by Washington State University King County Extension. Linda said that in part because of encouragement from the RFC, the event will have significant forest-related content for the first time this year

Kathy Creahan, Farm and Forest Programs Manager

Providing information requested by the commission, Kathy reported that Pierce County accepted jurisdiction for Class IV-General Forest Practices Permits from Washington DNR, as per the state Forest Practices Act.

For the information of the commission, Kathy reported on the transfer of ownership of several large blocks of Plum Creek forest land in the Black Diamond area. Under an open space trade negotiated among several parties, a block of land is being annexed into the City of Black Diamond and developed. Under the original plan, part of the trade would have involved selling the development rights on another large block nearby to the state through the federally-funded Forest Legacy Program. However, that block of land has been sold by Plum Creek to Palmer Coking Coal Co., so it remains to be seen if the new owners will sell the development rights and keep the land in working forest. Plum Creek sold a second 1,600-acre block of land that was to have been involved in the open space trade to Erickson Logging. The development rights on this second property have already been sold to the City of Black Diamond and the Cascade Land Conservancy holds a conservation easement that affects slightly how forestry can be carried out on the site.

King County Shoreline Master Program Update: King County Shoreline Master Program and the update process

Harry Reinert, King County Department of Development and Environmental Services (DDES)

Harry provided a brief history of the Washington State Shoreline Management Act of 1972. He explained that the Shoreline Management Act is a “top down” process with detailed standards that local governments must follow. In 2003 the Department of Ecology adopted new regulations that added new standards and requirements to the Shoreline Management Act Guidelines. Accordingly, local governments must update their Shoreline Master Programs (SMP), which must be submitted to the Washington Department of Ecology for approval, said Harry. King County adopted its current Program in 1977.

Harry said that King County has completed the first step in the update process, an inventory of all shorelines that fall into the following categories:

1. Rivers with more than 20 cubic feet per second annual flow. (King County has several hundred miles of qualifying rivers and streams.)
2. Lakes over 20 acres.
3. All marine water bodies. (In unincorporated King County only the shores of Vashon Island qualify.)

Harry said definition of a water body includes the water and 200 feet of the upland area above the ordinary high water mark.

Harry said that the second step in the update process is to do a characterization of the shorelines and determine what kinds of uses are found on those shorelines. Most of King County's jurisdiction is rural, so most of the work will entail characterizing the ecological condition along shorelines. The County developed a list of ten criteria to use in characterizing conditions. Each shoreline reach is given a score from high to low alteration. Most of the shoreline on streams and lakes in unincorporated King County shows up as medium-high or high condition, according to Harry. The places with the highest degree of alteration tend to be on Vashon Island, where there are lots of homes and marinas. Harry encouraged the RFC to review the technical documentation, list of criteria, maps and other materials on the County's Shoreline Master Program website at <http://www.metrokc.gov/shorelines/shorelines-plan-update.aspx>. RFC members can also get on a listserv to receive notice of major events on the web site. The next round of public meetings in May and June will solicit comment on the Draft Recommendations for the SMP update.

Harry said the County Executive Ron Sims directed staff to rely on existing regulations (e.g., clearing and grading rules and the Critical Areas Ordinance) as much as possible in developing the SMP. The Executive also directed that the SMP incorporate ways to implement the Puget Sound Partnership strategy for recovering ecological function in Puget Sound [<http://www.pugetsoundpartnership.org/>]. Harry said that the County will also integrate the SMP update into the Comprehensive Plan update process in order to avoid duplications and inconsistencies among regulations. Harry said that they also hope to integrate the shoreline regulations into the other elements of King County Code so that all regulations can be found in a single location.

Doug Schindler commented that if streams in the forest zone are of "highest quality," in other words have the lowest levels of alteration, that it suggests that to protect shorelines King County should keep as much land as possible in forest. Harry replied that the County will be using zoning a lot as an approach to regulating under the SMP. He cited the Forest Production District designation as an important tool. Harry added that in fact, the Department of Ecology recognizes forestry as an activity that is consistent with SMP goals.

Doug S asked if any specific threats to forests or forestry had emerged during the SMP update process. Harry said that he is not aware of any and that the County's intention is to keep the status quo in regard to forestry. For example, said Harry, the County's Critical Areas Ordinance (CAO) allows forest practices in aquatic buffers as long as operations are consistent with the

State Forest Practices Act. Harry did not foresee changes on the regulatory side, but said that there may be a place for dialogue on the permitting side, where Harry knows that the RFC has concerns.

Doug McClelland pointed out that the state Forest Practice Rules affecting buffers on aquatic areas are now much stronger than when the Shoreline Management Act was written. Randy Sandin said that in the County's current shoreline program there is an outright prohibition against forest practices in the natural environment, which reflects that the regulation was developed in 1978 when the forest practice rules were weak. There is currently a general prohibition against harvest within 100 feet of a stream in the SMP but, continued Randy, when you look at the recently adopted CAO, forest practices are allowed. That reflects a major shift, said Randy, as well as a discrepancy between regulations. Doug M. recommended that the RFC look at the SMP to make sure that the rules are working and that we do not have duplicative permit processes or involvement when we do not need it.

Harry said one of the outcomes of the SMP update will be consistency. He said that especially where the SMP is more restrictive than the CAO, the County intends to bring the SMP into alignment with the CAO. He added that his staff will evaluate whether the County's permitting process can be simplified and multiple processes eliminated.

King County Shoreline Master Program Update: Private sector perspectives on the Shoreline Master Program

Mike March, Senior Operations Forester, and Julie Stangell, Senior Forester, Hancock Forest Management

Mike March manages the 103,000 acre Snoqualmie Tree Farm for Hancock Timber. King County has purchased the development rights off of 90,000 acres of that area, so it will stay in forestry. Mike said that there are many lakes and streams on the property that are considered shorelines of the state under the Shoreline Management Act (i.e., lakes over 20 acres and streams with flows greater than 20 cfs).

Mike explained how the County's permitting regulations and the state Shoreline Management Act interact in practice. For example, said Mike, if he does an operation within 200 feet of a shoreline of the state the activity falls under the jurisdiction of both the state and King County. He must obtain an exemption from the County before applying for his state permit or else not do the operation. Because so much of the Snoqualmie Tree Farm qualifies as shorelines of the state, from an economic standpoint it does not make sense for Hancock Timber to walk away from the harvest of that area within 200 feet of shoreline.

Mike outlined the Shoreline Exemption process. There is a 30 to 60 day waiting period to obtain an exemption from King County, he said. Once the exemption is obtained, there is a 30 day wait after a forest practices permit application is submitted to Washington Department of Natural Resources (DNR). There are two important disadvantages in this system for the operator, according to Mike. First, the long waiting period limits the timber company's flexibility.

Market conditions may change and timber prices drop or a big wind event can change conditions in the forest during the permit waiting period, Mike said. Second, both the King County and state permits are issued as long as the operator meets Forest and Fish Rules, so these are basically duplicative processes. Mike said that his primary concern is that King County's exemption process is an extra step that other counties do not require.

There was considerable discussion among the group on the technical aspects of forestry operations in the buffer between 50 and 105 feet of the ordinary high water mark, and what regulations allow under different conditions. The state's Forest Practice Rules establish a core zone of 50 feet which cannot be touched and a zone between 50 and 105 feet where operations are limited depending on conditions. Mike explained that by contrast the Shoreline Management Act established a 100 foot buffer. With this difference between the two state regulations, King County requires a conditional use permit to operate in the band of shoreline between 50 and 100 feet from the ordinary high water mark. Mike said that unless it is a long reach, the time and expense involved in getting the conditional use permits are not worthwhile. Mike said that one can see the significance of the situation if one steps away from the Snoqualmie Forest where the development rights have been purchased, and looks at another tract in King County. If the ability to manage land for forestry is limited, the owner may decide that the best alternative from a financial standpoint is to build houses.

Mike completed his presentation with a brief discussion of road maintenance issues. The state Forest Practice Rules require that when operating within 200 feet of waters of the state a special permit is required for road improvements. If costs are less than \$5,000 one can obtain an exemption to the permit. Doug M. commented that the roads maintenance requirement is a very big issue. By the year 2015 all roads, culverts and bridges must be fish friendly, he said. Doug M. said that this requirement is necessary because the greatest impact to fish from forest operations is not the tree cutting, but the erosion and sedimentation that can be caused by poorly designed roads and stream crossings.

Harry said that the County may have some discretion in deciding if projects over \$5,000 need a conditional use permit and that the County may also have discretion to decide if projects less \$5,000 require a shoreline exemption. However, the state sets that \$5,000 threshold, he said. According to Harry, the Shoreline Management Act says you have to get a shorelines substantial development permit from the County for road improvements when they take place near the shorelines, so the County does not have discretion to say they will or will not issue that kind of permit.

Doug S. asked if there is some kind of blanket conditional use permit if one has to do many projects on a single large property. Randy said there are some opportunities under existing code to modify processes. There are challenges but there is nothing in code that precludes trying to build a blanket permit of some kind on a 100,000 acre tree farm. However, said Randy, in the case of a substantial development permit, the County is required by code to do certain things. Even so, there are opportunities within the existing framework of the code to do something like a programmatic approval, at least at an exemption level if not at a substantial development permit

level. It would take a fair amount of work to do that though, said Randy. Julie Stangell commented that the time and cost involved in a programmatic process is doable for a large company like Hancock, but what about a small landowner? Julie said that she would not want a small tree farmer to have to spend the kind of money that Hancock spends on permitting a bridge on a 25 or 75-acre parcel; the scale is very different. Lee Kahn added that throughout the state there are tree farmers who do not know about the 2015 deadline. They are not preparing for it, she said.

Doug S. said that the issue of duplication of effort among agencies is easy for the public to support as long as resource protection is not decreased. Randy Sandin added that in a lot of cases King County will accept the JARPA (Joint Aquatic Resource Permits Application) in lieu of a separate request for a shoreline exemption, adding that there may be ways to expand upon that because in this case the regulatory requirement is not changed, but the application process is made much simpler by use of a single form for all agencies. Harry said the County has been working with the state in a "harmonizing" effort to get agencies to work together to eliminate overlap and duplication.

In concluding his presentation Mike summarized his recommendations as follows:

- 1) In regard to the general harvesting that timber companies are doing now, companies would like to be able to operate outside of the 100 feet without going through an additional exemption process and have a simple mechanism such as a letter for DNR from the local jurisdiction when applying for a forest practices permit;
- 2) King County should explore the possibility of allowing more flexibility in operating in the 50 to 100 foot zone of shorelines, for example following Option 1 under Forest Practice Rules; and
- 3) As far as road maintenance is concerned, Mike said that after he goes through process of acquiring a substantial development permits, he will understand the issues better and hopes to be in a position to facilitate streamlining the process.

Doug M. said that he would like to better understand the difference between 50 and 100 feet on the ground in order to understand the environmental impacts. Doug S. said that it is important to enforce the proper protections for fish. Lee said that oftentimes some level of management is needed for a healthy forest and to address the [forest fire] fuel loading problem.

Harry said with respect to forest practices, King County relies on state Forest Practice Rules. He acknowledged the duplication of effort problem and asked Mike if King County is applying different standards than the state. Mike replied that the difference is that if an operator wants to thin in the 50 to 105 foot zone they have to go through additional permit process in King County. Harry said that it appears to be a process issue, not a case where the standards applied are different. The CAO says one can practice forestry within aquatic area buffers according to the state Forest Practice Rules, said Harry, but he understands from the conversation that the County's process makes it uneconomical under current code to do that in most cases.

Doug M. asked if forest practices are allowed in all classifications under the current Shoreline Master Program. Randy replied that it is not allowed in the Urban or in Natural Area classifications currently. Harry added that this is the case in current code, but part of the SMP update process is to see if the Department of Ecology guidelines have changed those designations.

Doug M. said that shorelines are the only places where the County has been involved in forest practice permitting and it has been very confusing to understand on all sides. Julie said that “confusing and difficult to understand” translates into “costs more money.”

Ron Baum posed the question of how it would work if the process were simplified to the point that there was a single permit and one took the most restrictive of all the agency requirements and put it in that one permit. Julie responded that operators already have to meet the most restrictive, so nothing would change in that regard. Ron suggested that bundling the applications and permits might save taxpayers money. Harry said that broadly speaking this approach might have more impact on the state rather than the county level. Doug M. said that it probably makes more sense for the agency with the most expertise in a particular area of concern to be the lead agency in determining whether a permit should be issued, for example the Department of Fish and Wildlife might be the agency most concerned with a Snoqualmie River bridge replacement.

Julie said that the discussion on this topic would continue in future meetings.

2008 King County Comprehensive Plan Update

Kathy Creahan, Farm and Forest Programs Manager

Kathy opened the discussion by walking the RFC through the language related to forests in the current King County Comprehensive Plan (Comp Plan). Kathy also told the RFC that the Comp Plan Scoping Motion, which lists the topics that will be addressed in the update has been sent to the Council. The Scoping Motion reflects the input provided by the RFC at their January 2007 meeting. Kathy distributed copies of the 2004 Comp Plan as amended and the map showing designated agriculture lands, the Forest Production District and the Rural Forest Focus Areas. She explained that a major function of the Comp Plan is the adoption of the land use zoning map for the county. These materials are all available online at the Comp Plan web site at <http://www.metrokc.gov/ddes/compplan/>.

Len commented that there are no forestry “industries” in King County any longer in any industrial sense. Large industrial forest land ownerships would more properly be termed “forestry” rather than “industry.” Len proposed that the language in the Comp Plan regarding forestry industries be similar to that used for Agriculture where it talks about the commercialization of small agriculture, farmers markets and the like. Len said the Comp Plan does not address developing applications that give point to commercial forestry. There is no point to commercial forestry unless you can sell the trees to someone, as opposed to forestry for other purposes, continued Len.

Julie said that in reality, the last two sawmills in King County have been closed since 2000. She pointed out that a lot has changed since the last major Comp Plan revision. Len suggested a multi-county approach to ensuring that there are facilities somewhere so that if someone wants to cut trees they can sell them. It might mean going to Pierce County to convert the logs to a product or to Thurston County to export. Alex asked if there are interested investors. Len said there are always investors interested in building new facilities in Washington State, but regulatory complexities have discouraged everyone that he knows to have had an interest. Doug S. said section R509 seems to address that and Alex pointed to section R507. Len said that just because we cannot put it in King County does not mean that we cannot help support such industries. Kathy suggested that the RFC and staff work with the Economic Strategies program to develop some ideas. Len said that basically his suggestion would be to build a complex of counties with KC taking a lead role.

Ron recommended that the county look at parallel industries and how these have changes, for example agriculture in eastern Washington and steel industries in the Midwest. Ron said that large steel companies collapsed but now small specialty companies are operating and steel mills are back in business.

Kathy said that at the January meeting Alex Kamola recommended that the Comp Plan address the difficulty that people have in implementing their Forest Stewardship Plans and in practicing active forestry. Kathy handed out a draft of new language in section R108 for discussion at the May RFC meeting. Alex said the wording should make clear that “the county has the responsibility” to make sure it happens, not just to encourage, or help to understand.

Doug S asked if the policies speak to fire. Kathy replied that yes and that section R532 calling for a fire hazard demonstration project needs to be updated. There is not an official demonstration project as per code but, the Forestry Program has already initiated a Community Fire Planning program that has worked with the Tolt Highlands to complete a community fire plan and a thinning, developed fire safety Best Management Practices and is now working with a community in southeast King County on another community fire plan. The policy should be updated.

Kathy asked the RFC to review the sections of the Comp Plan related to forests. She offered to compile any proposed changes in the Comp Plan language that are emailed to her, so that the RFC can discuss markups at the next meeting. Kathy said that the group can discuss these again at the July meeting if they wish. The RFC has until August 1 to put forward its first round of proposed amendments for the public review draft, said Kathy.

Julie asked Len to head up a subgroup to look at how we can modify the Comp Plan to create a metro area concept to put in facilities. Alex said he was interested also. Doug S. said there are other topics such as education and signage that could use changes. He also pointed out that the Comp Plan references some successes that are out of date and suggested that the RFC offer examples of more recent successes for the update.

Action: Staff will email and electronic copy of the Comp Plan pages that were distributed in hard copy today.

Washington State Department of Natural Resources (WDNR) Update

Doug McClelland, Asset Operations Manager, WDNR

Doug reported on lands that Washington State Department of Natural Resources (DNR) plans to enroll in the Forest Stewardship Council (FSC) certification program. He said that DNR considered FSC certification about seven years ago, but did not pursue it because at the time there would have been a long list of things in their forest management practices that would have had to be changed and the Pacific Zone FSC certification standards were not stable. Since then a lot has changed on DNR lands, said Doug, among them that DNR has completed a Habitat Conservation Plan and that FSC standards have become more standardized for this zone. Preliminary review by the certifying company found that DNR operations in the south Puget Sound region would probably meet certification standards without any changes in management practices. The next step is a formal review of DNR's operations.

Lee reminded the commission that certification of forest lands owned by King County was discussed at length by the RFC at the May and September 2005 meetings. She asked that staff provide the following background information in the meeting minutes:

The consensus of the RFC in 2005 was that although forest certification has benefits, King County should wait before pursuing certification. Among the reasons for this recommendation were that: rural residents may interpret certification of county lands as a first step to further regulate private lands, the costs associated with certification would be high relative to benefits, the County's priority for scarce dollars should be to fund its existing forestry programs, and the County owns a relatively small forest land base which already is managed responsibly by skilled staff. Alex Kamola communicated this recommendation to Executive Sims on behalf of the RFC and Executive Sims replied that King County would not pursue certification of its forests.

Doug said that in regard to certification DNR's situation is different than that of King County. In his view, King County is not ready for certification of county-owned forest because they do not yet have the policies, framework, status or market share to make certification work. Doug said that DNR has a lot of wood in the market, so time will tell if certification of DNR timber will lead to changes. He recommended that if DNR is successful in becoming certified, that the RFC watch for a few years and see what it is like and what it took, and then think about what it means for the county.

For the information of the RFC, Doug also reported on two bills in front of the state legislature that have to do with platted forest properties. The first is House Bill 1409 (transfer of jurisdiction), which does not apply to King County because there is already a transfer of jurisdiction agreement with the state. The second is Senate Bill 5883 (concerning conversion of forest land to non-forestry uses) that relates to the 6-year moratorium. Doug said that there is a

lot of discontent about the way the 6-year moratorium is handled because it involves placing a lien on property. A committee including Futurewise and the timber industry was formed to figure out how to change the way that 6-year moratorium is dealt with. If it passes, Doug M. said that King County DDES will have to make a judgment as to the impacts in King County. If it passes it means there will be not just a lien on the property but the roles of DNR and the county will be a series of communications about what the landowner has been doing. The county may or may not need to change their regulations on how the deal with the 6-year moratorium.

Randy said that from the County's perspective the bill would place the burden of the moratorium on the landowner who wants to convert land use. If they want to convert they have to go to King County for a permit. The other problem with the bill is that it seems to suggest that the County is obligated to approve a development if the landowner can restore the forest. This could go back to the pre-1997 situation where people would harvest, then come in for a development permit. That was a loophole that was closed by making it so that people would wait out the moratorium. Randy said this bill might mean a reversion back to the way it was before and fewer protections for the forest.

Suggestions for future agendas

1. Revisit stewardship plans and how they are affecting or changing the regulatory environment.
2. Ask DNR to address the question of if County-owned forestlands that are adjacent to DNR lands could or should be managed by DNR.
3. Report back on HB 1409 and SB 5883 if they are passed.
4. Staff present a list in chronological order of what the commission has accomplished.

The meeting was adjourned at 12:35 p.m.

Next meeting

The next regularly scheduled meeting is Wednesday, May 16, 2007.

Staff Liaison:

Linda Vane, Forestry Program

206-296-8042 or linda.vane@metrokc.gov