

Island County Sustainable Forestry Management

This document summarizes the Island Local Integrating Organization (ILIO) discussion on barriers and possible solutions to best manage the delicate balance between timber removal on private property and the importance of protecting Island County forests. In February 2021, the Island Local Integrating Organization (ILIO) Executive Committee (EC) added this topic to the 2021 work plan to evaluate the balance between timber removal on private property for economic resources and the importance of ensuring healthy forests, especially on islands. The ILIO Technical Committee (TC) hosted a conversation (April 12, 2021) to better understand the Washington Department of Natural Resources (WA DNR) and Island County (IC) permitting processes of timber harvest, the timber management plan/tax program and possible incentives for residents to keep forests intact. The discussion was prompted by perceived accelerating deforestation and an increase of permits for clearings. The meeting served as a bridge to understand roles and responsibilities of our partners who are working with managing forestry practices and to align opportunities for improvements across these organizations. The recommendations from the TC meeting may be used to update the 2022 Ecosystem Recovery Plan (ERP) and inform next steps on creating strategies to address clear cutting and increased deforestation*.

**green = task completed or is in progress to being completed*

Communication

- **Improved inter-agency communication.** The IC Planning Department, Assessor's Office, and Public Works receive permit notification emails from WA DNR. This is an opportunity to increase communication with WA DNR about permit requirements, staff points of contact, and assess for ongoing consistency between inter-agency programs. Improving communication between WA DNR, IC Planning and IC Public Works on forestry practice permits is a critical missing step in the process. IC needs to become more proactive with communication and education on best management practices with those seeking Class IV permits. While incentives currently exist for timber production on forested parcels, there is little available for landowners interested in protecting the rural landscape and ecosystem services offered by conserving forested land. In order to provide balanced support to landowners, Island County needs to create incentives for small forest landowners, support education & outreach, and offer information/flyers on conversion as an option (it is better than a moratorium). IC staff can work with WA DNR staff to provide this information to people coming to WA DNR for permits to help them understand their range of options.
- **Buyer notification.** Attach the moratorium to the property deed/title. There is currently no notification to buyers that there is a moratorium on properties. The new landowner might not find out about the moratorium until they are told that they cannot get a permit because of it. WA DNR holds the notice of transfer and landowner obligation, and assigns it to the forest practice application. Adding a forestry parcel layer into ICGeoMap, which would include this information, can provide Designated Forest Land (DFL) information, plans, and highlight parcels under a 6-year moratorium as a tool that permit reviewers can incorporate into the permit intake process.

Education & Outreach

- **Proper Forest Land Management.** In the DFL program, the landowner is required by law to maintain their forest land. The program is about the management of timber. There needs to be more education for proper forestland management. For example, sustainable forest management involves working within a long-term regenerating system; timber harvests should be incorporated into longer management plans with clear objectives. If the objective is to maintain forest cover on the island through the use of the Designated Forestland Taxation program, timber harvest could be a sustainable option, if followed by successful planting and invasive species control. Educational opportunities that explain the complexities of forest management, and common ecological pitfalls, could benefit landowners.
- **Forest Practice Options.** IC needs to offer information to landowners on forest practice options for landowners on the IC website and pamphlets for the office counter.
- **Land Stewardship.** Find creative solutions that educate the public about caring for their land, incentivize protections, and find ways to limit deforestation on a large scale.
- **Resources Available to Landowners.**
 - The [Small Forest Landowner Regulation Assistance Program](#) provides free consultation to landowners.
 - Kevin W. Zobrist is a Professor at Washington State University, Forestry Extension. He has two webinars he won awards for– Gold and Silver from the Association of National Resource Extension Professionals Association. Here is a link to his webinars: https://forestry.wsu.edu/webinars/onlinefieldday/2020ofd_recordings/
 - Whidbey Island and Camano Conservation Districts host excellent forest management program educational opportunities.

Policy changes:

- **After-the-fact permit.** After-the-fact conversion results in many consequences that get absorbed by surrounding residents and farmers. Off-site developers profit at the expense of IC residents. Some known bad actors do this as a business practice. Island County should not allow after-the-fact conversions. The notice should be recorded on the title. Tightening up on these repeat offenders is important; IC does have the ability to issue fines for this, in addition to doubling the application fee (current policy).
- **Increased collaboration.** County staff collaboration with WA DNR and their applicants. Staff could sign up for emailed notice of all applications for Class II or III permits and engage applicants about options such as Conversion Option Harvest Plans (COHP) and discuss moratorium issues on each permit.
- **SEPA review.** The County has the responsibility to review permits and record moratoria notices on property titles. Currently, the County only requires a moratorium on properties that have known critical areas. Since there is not an accurate GIS layer of all critical areas, each land clearing permit could include a State Environmental Policy Act (SEPA) review, especially if a landowner approaches IC to request to lift their moratorium.
- **Notice on title.** Putting a moratorium notice on the title protects unknowing landowner who purchase properties and eliminates the "innocent purchaser" loophole.

Incentives

- **Sustainable forestry methodologies.** Designated Forest Land (DFL) tax exemption status program could be configured to engage with and encourage forest landowners to use sustainable forestry methodologies. Under the DFL exemption, anyone can qualify if they are managing forest and have a timber plan. Ensuring that staff receive appropriate training for timber plan review and support to follow-up on compliance will protect public health, local farming communities, and the rural landscape *in addition to* economically beneficial timber harvesting. Agroforestry and Silva forestry practices could be better supported in Island County.
- **Conservation Futures Funding** program could be expanded to include Voluntary Stewardship Plans. There are pilot projects in Kitsap County that demonstrate the success of applying CFF to VSP.
- **Timber Management Plans.** WICD and SCD provide technical assistance to landowners with forestry plans. The ILIO could direct NEP funds to the CDs to assist more landowners in understanding how to invest in stewardship of their land (and keep their tax break!).
- **Public Benefit Rating System (PBRs)** – The PBRs could be reformed to be a vehicle for providing tax reduction incentives for management that recognized ecosystem services values (other than timber production). Earth Economics is conducting an evaluation now to assess the value of forestland. We will be able to use this to inform the ecosystem service rating as it relates to groundwater recharge, carbon sequestration, and other ecosystem and human wellbeing benefits. This is especially important as it pertains to living on islands while there is increasing development. IC may alter the existing PBRs incentive for timber production (which is rarely utilized due to imbalanced cost-benefit ratio) into conservation tax breaks for forest stands too small for the timber tax credit program (2.5-5 acre).

Island County Department Improvements

- **Improved data.** Improve IC wetland layer/streams layer so that it is clear and reliable when a person is looking at a property where the critical areas are located.
- **Make information accessible and transparent.** There are publicly available GIS datasets through the state DNR for active forest practices permits. Integrate a map that includes active forest practices permits, the Island County Assessor's Designated Forestland Program, Island County Land Use (Zoning) Code for Rural Forest data layer, and also the Island County Current Use Data Layer for Designated Forest Land, to provide a visual of the overlap between the tax programs and the forest practice/timber harvest permits in our county that are "active." Making this data more accessible would be helpful to make the information more transparent to the public, giving them the opportunity to provide feedback. This GIS dataset being available as a public portal will also allow moratoriums to be attached to parcels so that buyers can do their due diligence.
Timber prices are high right now, and it is the right of the property owner to harvest. This is causing an increase in public notifications to the County about harvesting. Allowing the public to see this would be beneficial, but can have downsides (such as members of the public judging others for their forestry practices).
- **Funding.** Leverage Conservation Futures Funding program to include more forested lands for protection/conservation. CFF could be modified to recognize non-timber values and base tax reduction on ecological/environmental criteria (i.e. size, connectivity, landscape position, natural infrastructure services provided to benefit the public and ecosystem). Leverage REET funding to protect intact forests.
- **IC Forest Management Plan.** Develop a forest management plan that aims to mitigate climate change, improve forest health, increase the tree canopy in unincorporated cities, improve public access

to forests, enhance salmon habitat, improve water quality and supply, and support a sustainable timber industry. This could direct CFF investments for conservation.

- **Monitoring DFL properties.** Ensure IC Assessors are properly trained to monitor the DFL program properties. IC should not continue granting the DFL status if there is not staff to monitor it. Monitoring should be based on invasive species control and seedling regeneration post-harvest, as well as adherence to riparian buffers and other state forest practice rules during the harvest period. Mismanagement of forest lands often results in clear-cutting, which impacts invasive and noxious weed spread, soil erosion, reduced water quality, and displacement of rodents as vectors for disease.

Code

- **Authorizing Island County Moratoria.** The 6-year moratorium is state code, which is out of our control at the local level. IC could institute a 10 or 20 year moratorium when/if critical areas have been violated/damaged for the purpose of restoring the critical areas before the land is developed. Authority or the moratoria should be based in statutes other than the Forest Practices Act, such as the GMA and Shoreline Management Act. And moratoria can extend to compliance with all county requirements, not just those for critical areas. However, to be meaningful in terms of forest conservation, then the County needs to adopt requirements for, i.e., forest retention, prohibit "parking out", etc.
- **Zoning Code ICC 17.03: In the Rural Forest Zoned Lands.** There is no clear Zoning code guidance on conversion of Rural Forest parcels to non-forestry uses. The Rural Forest Zoning Designation needs a clear, transparent and predictable standard for conversion proposals.
 - A 10% conversion limit was previously implemented for many years on Rural Forest parcels that allowed for reasonable use while retaining the bulk of the parcel in a forested condition. This would allow for timber management (and the tax program benefits) to continue while providing for limited conversions per the intent of the Comprehensive Plan and consistent with the Zoning Code Rural Forest designation.
 - In the Rural Zoned Lands: Need to offer incentives and adjust the regulatory framework to encourage retention of forest land while balancing new development.
 - Modify the Zoning Code ICC 17.03 so that conversion of forest land greater than 1 acre (for residential or non-residential uses) be considered a Conditional Use. This would provide opportunity to engage land owners about sustainable practices and balance development with all the values forests provide.
- **Land Development Standards ICC Chapter 11.** In association with the above, and to provide consistency, consider modifying the Island County Clearing and Grading Ordinance (ICC 11.02) wherein it notes when a Clearing and Grading Permit is required:
 - ICC 11.02.080 Grading Permit Required subsection D: Clearing to bare earth if greater than two (2) acres: change to one (1) acre. This will provide staff opportunity to engage property owners early in development planning, review incremental forest clearing and address potential adverse impacts.
 - To address stormwater issues related to forest land conversions consider:
 - Modify the Island County Stormwater Ordinance ICC 11.03.030 Definitions:
 - Development activity, other small. "Other small development activity" means a development activity not associated with a single family residential permit and that creates less than 5,000 square feet of new impervious surface, not including the

- surface area of the access road to the site of the development including land disturbing activities less than two (2) acres (change to one 1 acre).
- Development activity, major. "Major development activity" means any development activity or redevelopment that creates 5,000 square feet or more of new impervious surface, not including the surface area of the access road to the site of the development and/or land disturbing activities of two (2) acres (change to 1 acre) or more not associated with the construction of a single family residence or associated with Class IV forest practice permits or a conversion option harvest plan and its associated grading permit.
 - These changes to a one acre threshold will result in a submittal of a Drainage Narrative with development applications that can be demonstrate development is designed to minimize adverse impacts to surface and ground water resources.
- Consider a revision to the Stormwater Ordinance -11.03.120 "Exemptions for small residential development and other small development activities". "Small residential development activities and other small development activities, including the regulated division of land, of lots 2.5 acres or larger in size shall be exempt from the stormwater quantity control, source control of pollution, and stormwater treatment BMPs of this chapter".
 - Consider a change to "lots 5 acres or larger in size" as adverse stormwater impacts can certainly occur on conversion of forest land on lots of 2.5-5 acres in size. (Larger lots typically can mitigate stormwater runoff if not entirely clearcut).
 - In order to get more accurate building permit application information:
 - Revise the single family residential Building Permit application "Narrative of Proposal" form: change question no. 2: "What is the purpose and extent (in acreage or square feet) and type of vegetation to be removed?"

Washington Administrative Code (WAC)

- Current legislation do not support protections of smaller forests such as what we have in Island County. The ILIO could collaborate with San Juan County's LIO and consider exploring a joint venture as two counties with similar ecological/economic challenges, to put together some recommendations to the Washington DNR to suggest modifications to the state DNR's forest practice rules under Title 222 WAC. This would then directly impact forestry on the islands under forest practice permits in Class I, II, III (state authority only), and in Class IV (where county oversight is historically most present). The State DNR's Adaptive Management Program is a direct conduit for recommendations to the Forest Practices Board, who governs the Forest Practice Rules of the state.
 - Worth noting that SJC already does not permit after-the-fact conversions and requires major forest retention for conversions so they are way ahead us on this. We could/should follow in their footsteps. Also, the joint front on 222 WAC changes would likely be effective.