

## TIMBER HARVEST

Topics covered in this Development Information Bulletin (DIB) include:

- What is a timber harvest and who regulates them?
- Which types of permits are required for a timber harvest?
- How do I apply?

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### WHAT IS A TIMBER HARVEST AND WHO REGULATES THEM?

A timber harvest includes all logging operations that propose to cut, remove, limb or top trees on a given parcel. Factors such as how many trees are being cut, whether or not the trees will be removed from the parcel and where the trees proposed to be cut are relative to environmental features, are just a few factors that will determine what type of permit Island County and/or Department of Natural Resources (DNR) may require in order to cut or remove timber. Some timber harvest operations require a permit from Island County alone, others require a permit from the DNR and still others require a permit from both Island County and DNR. If the DNR requires a permit for a timber harvest, it is reviewed under a permit called a Forest Practices Application (FPA). If Island County requires a permit for a timber harvest it is reviewed under a Clearing and Grading Permit (CGP). This bulletin provides a description of FPAs and CGPs and when each of these permits is required.

### WHICH TYPES OF PERMITS ARE REQUIRED FOR A TIMBER HARVEST?

**Forest Practice Applications (FPA)** – These applications are required by the Department of Natural Resources (DNR) who reviews timber harvest proposals and issues a decision. FPAs are not reviewed by Island County. In order to determine if an FPA is required, you must contact the Department of Natural Resources. The DNR will provide you with the FPA paperwork, collect the necessary fees and review the application. While it is DNR that reviews FPAs, the following general information is provided to help clarify the different types of FPAs and when they are required. Please contact the DNR at 1 (800) 527-3305, or (360) 856-3500, if you have questions regarding FPAs.

A Forest Practices Permit from the Washington Department of Natural Resources is usually required before you may legally cut down trees on your property. Additional review by Island County may be required for certain types of Forest Practice Permits (*please review this entire bulletin to determine when Island County requires a permit for timber harvest review*). Forest Practice Applications (FPA) are regulated through the Washington State Forest Practices Act (RCW 76.09 and WAC 222).

1. Class I Forest Practices: These are timber harvest operations that do not require a permit from DNR (*please note that these types of operations may still require an Island County permit*). In order to qualify for a Class I Forest Practices operation all of the following are required:
  - a. The **Parcel** is less than two acres, including adjacent parcels in the same ownership or parcels being logged under the same operation; (logging operations on parcels that are larger than two acres do not qualify, even if the portion of the property that is being logged is less than two acres); **and**
  - b. The entire amount of timber being harvested is less than 5,000 board feet (approximately one logging truck load) in one years time, that will not be leaving the property (i.e., will be used on site for firewood, lumber, fences, etc.); **and**
  - c. There are no sensitive areas on the property being logged, including but not limited to wetlands, streams, archaeological sites, geologically hazardous areas, shorelines, or habitat for a protected wildlife species; **and**
  - d. **Stumps are NOT being removed; and**
  - e. You are not proposing a road/driveway over 600 feet in length; **and**

The following **DNR Forest Practices** are considered “non-conversion permits.” All non-conversion permits result in a 6-year moratorium that will be recorded with your property. They also prohibit stumps from being removed and require reforestation of the property. If you apply for any of the permits listed in items 2 through 5 below, Island County will not be able to accept, process or approve any application for development for 6 years. Applications for development include building permits, septic permits, short plats, access permits (accept for a temporary access needed for the logging operation), as well as any other permit that is not related to the harvesting of timber. **If you intend to develop your property within the next 6 years or would like to convert the use of your property out of timber production, the following classes of Forest Practices are not the type of Forest Practice Permit that you should be applying for.**

1. Class II Forest Practices: The parcel is less than 40 acres, with no wetlands, archaeological sites, streams, steep slopes, or other sensitive areas present. Potential impact to the environment or public resources is low.
2. Class III Forest Practices: The parcel is greater than 40 acres, OR wetlands, archaeological sites, streams, steep slopes, public water supply sources, or other sensitive resources are present. Greater potential impact to the environment or public resources.
3. Class IV Special Forest Practices: High potential for significant impact to the environment or to public resources. Receives more intensive State agency review, including State Environmental Policy Act (SEPA) review, which requires public notification.
4. Class IV Platted Forest Practices: Timber harvest operations on a parcel which was platted (including short plats) after 1960. Considered a non-conversion permit for the purposes of imposing the six-year development moratorium.

The following classes of Forest Practices are called “conversion permits.” Conversion permits do not require that a 6-year moratorium be recorded with your property. If you intend to develop your property within the next six years or would like to convert the use of your property out of timber production or are undecided about the future use of the property, you should choose one of the following options:

5. Class IV General Forest Practices: For timber harvest operations that do not meet the requirements for a Class I Forest Practice as defined above or if the intent of the timber harvest is to convert the land use out of timber production, a Class IV General Forest Practices is probably the most appropriate application. These permits allow you to remove stumps from the harvested area, do not require reforestation, and will allow you to proceed with subsequent submittal and review of other permits, such as building permits, septic permits, access permits.
6. Conversion Option Harvest Plans (COHP): If you are undecided about the future uses of the property, or would simply prefer to keep your options open, you may apply for a Conversion Option Harvest Plan (COHP) with the County before applying for a Non-Conversion FPA with the DNR. A COHP is an agreement between you and Island County that allows you to harvest some of your trees under a Non-Conversion FPA, subject to certain conditions, without a moratorium being recorded on the property. Under a COHP, stumps are not to be removed and there are reforestation requirements unless you choose to convert the property within three years of the date the COHP is approved. If you violate the terms of a COHP, the County may impose a 6 year moratorium on all land logged under the agreement. Should you opt not to reforest within three years and decide to develop the parcel after choosing a COHP, a Class IV General Forest Practices Permit application is required. While a moratorium is not recorded with the property under a COHP, Island County will not be able to accept, process or approve any application for development until another Island County Clearing and Grading Permit for conversion of the land is approved and a Class IV General Forest Practices Permit is approved by DNR. In other words, if you choose to harvest timber under a COHP and then desire to develop your property within the next 3 years, you will be required to make application for a Clearing and Grading Permit and a Forest Practices Permit twice; first, under the COHP and second, sometime within the ensuing three years under a Class IV General Forest Practices Permit.

The application form for a Forest Practices Permit may be obtained from the DNR. Island County does not have application forms available. Submit the completed form directly to DNR. County staff may provide recommendations to DNR based on local knowledge of the site, and will advise the applicant if road approach permits, right-of-way permits, permits to open unopened County right-of-way, or other approvals related to County roads are required. If you have any questions about whether you need a Forest Practices Permit, the DNR is the agency that makes the final determination. Please be aware that even if you do not need a Forest Practices Permit, a Clearing and Grading Permit from Island County may still be required.

**Island County Clearing and Grading Permit (CGP)** – An Island County Clearing and Grading Permit is required for timber harvest operations under the following circumstances:

1. When tree cutting, removal, thinning or topping in any amount is proposed within two hundred (200) feet of a regulated shoreline area, upon steep slopes, within a geologically hazardous area, within wetlands or their associated buffers, within streams or their buffers, or within any other critical area; or
2. If your timber harvest necessitates any of the following Forest Practice Permits as defined above: a Class IV General Forest Practice Permits, a Class IV Platted Forest Practice Permits, or a Conversion Option Harvest Plan.

Clearing and Grading Permits are subject to Island County regulations and requirements regarding zoning, drainage, clearing and grading and critical areas (wetlands, streams, etc.). Island County staff reviews each CGP for potential drainage impacts due to the proposed clearing. Mitigation measures for silt and erosion control are made a condition of CGP Permit approval. In addition, if grubbing or stumping of the clearing areas is proposed, additional permits and requirements may apply.

#### **HOW DO I APPLY?**

As stated in the beginning of this bulletin, some timber harvest operations require review and approval by DNR, some by Island County and others by both. The following is a description of the permitting requirements and, when review is required by both DNR and the County, the order in which to make application.

**Class I Forest Practices** – These timber harvests do not require a permit from DNR. However, these types of timber harvests do require an Island County Clearing and Grading Permit if they are located within environmentally sensitive areas as defined in item #1 under the above section titled “**Island County Clearing and Grading Permit**” located above.

**Class II, III and IV Special Forest Practices** – These timber harvests require a Forest Practices Permit from DNR. In the case of Class IV Special Forest Practices you will be required to submit an Environmental Checklist. Island County does not require you to submit an application for these types of timber harvests. You must contact DNR who will provide you with the necessary paperwork.

**Class IV General Forest Practices and Class IV Platted** – These timber harvests require a permit from DNR and Island County. The first permit that you must seek approval for is an Island County Clearing and Grading Permit. Island County will provide you with a CGP application and an Environmental Checklist. Once these two packets are completed, submit them along with a clearing and timber harvest plan, and a drainage, erosion, and sedimentation control plan to Planning and Community Development at the front counter (see the Clearing and Grading and Drainage Requirements for Single-Family Residences, Development Information Bulletins #501 and #502, for specific requirements on drainage and erosion control). You will be assigned an application number immediately for your reference. Within 14 days you will receive a notice informing you that either the application is complete and who will be working with you, or that the application is incomplete and informing you of specific items that are needed before review can commence. The CGP requires public notification requiring that a sign be posted near the property and notification in a local newspaper. When you turn in your Class IV General

or Class IV Platted Forest Practices Permit to the DNR include a copy of the approved Island County CGP permit and SEPA threshold determination.

**Conversion Option Harvest Plan** – The process is similar to the above process in that both DNR and Island County require a permit. You must first seek approval for an Island County CGP. Island County will provide you with a CGP application (unlike the above process, this application does not require submittal of an Environmental Checklist unless it is on a parcel platted after January of 1960). Submit the CGP application along with a clearing and timber harvest plan, and a drainage, erosion, and sedimentation control plan to Planning and Community Development at the front counter (see the Clearing and Grading and Drainage Requirements for Single-Family Residences, Development Information Bulletins #501 and #502, for specific requirements on drainage and erosion control). You will be assigned an application number immediately for your reference. Within 14 days you will receive a notice informing you that either the application is complete and who will be working with you, or that the application is incomplete and informing you of specific items that are needed to review the application. When you turn in your Class IV General or Class IV Platted Forest Practices Permit to the DNR include a copy of the approved Island County CGP permit and SEPA threshold determination.

In all cases, it is important to submit accurate and complete information with your application. In particular, staff needs to know which way water will flow, what topographic features exist on the site, which areas are to be cleared to bare earth and which are to remain undisturbed. Application processing will be considerably smoother if complete, detailed, and accurate plans and descriptions of the proposed work are submitted.

**USEFUL PHONE NUMBERS:**

**Island County Planning & Community Development (ICPCD)** (360) 679-7339, 321-5111 from South Whidbey, or 629-4522 from Camano

**Washington Department of Natural Resources (DNR)** 1-800-527-3305 or (360) 856-3500 (Sedro Woolley Office)

**Washington Department of Fish and Wildlife (WDFW)** (425) 379-2301

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*IMPORTANT NOTE - "Development Information Bulletins" (DIBs) are intended to assist the general public in understanding the effect of codes and regulations. DIBs are not complete statements of the laws and rules and should not be used as a substitute for them. If conflicts and questions arise, the code and regulations are the final authority. Because these regulations may be revised or amended at any time, consult Island County staff to be sure you understand all current requirements before beginning any work. It is the responsibility of the applicant to ensure that the project meets requirements of all current codes and regulations.*

**ISLAND COUNTY PLANNING AND  
COMMUNITY DEVELOPMENT**

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522 ■ from S. Whidbey (360) 321-5111

FAX: (360) 679-7306 ■ P. O. Box 5000, Coupeville, WA 98239-5000

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