

Whidbey Environmental Action Network

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www.whidbeyenvironment.org

August 20, 2026

Island County Board of Commissioners
1 NE 7th Street, Coupeville, WA 98239

*cc: Island County Planning & Community Development; Island County Public Works;
Island County Prosecuting Attorney Greg Banks*

Re: Request that Island County appeal, or join a stay of, DNR's approval of Forest Practices Application NW-FPA-26-9078 ("Laughlin 2026")

Dear Commissioners:

The Department of Natural Resources ("DNR") approved Forest Practices Application/Notification No. NW-FPA-26-9078 on August 19, 2026, authorizing approximately 37 acres of timber harvest and roughly 2,435 feet of new forest road on Whidbey Island (Sections 33 and 34, Township 29 North, Range 3 East). Notably, the approval took place two days before the public comment deadline and 15 days before the decision deadline. WEAN is appealing that approval to the Pollution Control Hearings Board. We write to ask the County to act before the appeal window closes.

The deadline is short. An appeal must be filed within thirty days of receipt of the decision. Because that window is closing in September, any County action needs to be underway promptly. We recommend the County confirm the exact deadline with the Board and with the County Prosecuting Attorney's Office without delay.

The County has an independent stake and an independent right to appeal. A county may appeal a forest practices approval under RCW 76.09.050(8). Here, the County's interests are direct: the approved clearcut and new road sit on steep, wet slopes that drain toward the French Road culverts and the county road prism, presenting a foreseeable risk of sediment delivery, culvert blockage, and damage to County infrastructure and to downstream water quality in fish-bearing Quade Creek. In addition, the application asserts that areas within "1.5 times the tree length" of permanent structures are non-forestland outside DNR's jurisdiction, while conceding other agency permits may be required — areas that are not

mapped and that implicate the County's land-use jurisdiction under Island County Code chapters 11.02 and 17.02B.

The County can seek a stay without posting a bond. Ordinarily an appellant seeking to halt operations pending appeal must post security. As a political subdivision of the State, however, the County is exempt from that requirement under WAC 223-08-087(6) and RCW 4.92.080. That makes County participation particularly valuable: the County can move to stay harvest and road construction — preserving the status quo while the appeal is heard — without the financial exposure a private appellant faces.

Our requests. We respectfully ask the County to (1) file its own notice of appeal with the Pollution Control Hearings Board, with copies to DNR and the Attorney General, before the deadline; and/or (2) file its own request to stay the approval; or (3) join or support WEAN's motion to stay the approval pending appeal. WEAN will promptly provide our July 10 and August 20, 2026 comment letters, the Informal Conference Note (NW-ICN-26-2457), and the record excerpts documenting the concerns above.

Thank you for your attention.

Given the timeline, we would welcome the chance to speak with the appropriate County staff or counsel this week or early next.

Respectfully,



Marnie Jackson
Executive Director
Whidbey Environmental Action Network