PROPOSED RULE MAKING

CR-102 (June 2012)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

Agency: Forest Practices Board

☒ **Preproposal Statement of Inquiry was filed as WSR 12-11-112 and WSR 13-06-013; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

☒ **Original Notice**
☐ **Supplemental Notice to WSR**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: (Describe Subject)
The Forest Practices Board (Board) is proposing Title 222 WAC amendments to:

- Carry out 2012 legislation [Second Engrossed Substitute Senate Bill 6406 (2ESSB 6406), chapter 1, laws of 2012].
- Implement recommendations of the Forest Practices Biomass Working Group.

Hearing location(s):
Ellensburg: Department of Natural Resources
713 E. Bowers
509.925.8510
Date: June 25, 2013 Time: 6:00 p.m.

Olympia: Natural Resources Building
1111 Washington Street SE, Room 172
Date: June 27, 2013 Time: 6:00 p.m.360.902.1400

Submit written comments to:
Name: Patricia Anderson, DNR
Address: P.O. Box 47012
Olympia, WA 98504-7012
e-mail forest.practicesboard@dnr.wa.gov
fax (360) 902.1428 by (date) June 28, 2013

Date of intended adoption: August 13, 2013
(Note: This is **NOT** the **effective** date)

Assistance for persons with disabilities: Contact
Forest Practices Division at 360.902-1400 by June 18, 2013
TTY (360) 902-1125

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Forest Practices Hydraulic Projects (FPHPs)

These rules fulfill the directive in 2ESSB 6406 (2012) to incorporate into the forest practices rules (Title 222 WAC) the fish protection standards from the hydraulic code rules (chapter 220-110 WAC) that are applicable to activities regulated under the forest practices rules. The affected forest practices rules are in chapters 222-12, 222-16, 222-20, 222-24, 222-30, 222-34, and 222-50 WAC.

The anticipated effect is hydraulic project proposals associated with forest practices activities will be integrated into forest practices applications (FPAs) and not require a separate hydraulic project approval. The Washington Department of Fish and Wildlife (WDFW) will provide concurrence review for certain FPAs that involve water crossing structures, including specific types of culvert, bridge, and fill projects. WDFW will also continue to review and comment on any FPA.

The Board is considering two options for two of the definitions in WAC 222-16-010: "bankfull width" and "forest practices hydraulic project."

"Bankfull width"

- Option 1. No change to the definition.
- Option 2. Add the definition of "ordinary high water line" from WAC 220-110-020(69) to the definition of "bankfull width" specifically for forest practices hydraulic project construction.

"Forest practices hydraulic project"

- Option 1. "Type S, F, or N Water" is included the definition.
- Option 2. "Type S or F Water" (not Type N Water) is included in the definition.

Forest Biomass

The Forest Practices Biomass Work Group (August 2012) recommended the following rule changes to ensure understanding that forest biomass harvest is subject to the forest practices rules:

- Add a definition of "forest biomass" in WAC 222-16-010;
- Insert "…and removal through…" into the definition of "forest practice" in WAC 222-16-010; and
- Insert "…including forest biomass removal operations…" into the logging system portion of WAC 222-30-020 Harvest unit planning and design.

Reasons supporting proposal: Rules related to FPHPs will fulfill legislative direction; rules related to forest biomass will add regulatory clarity for stakeholders who harvest forest biomass or review FPAs involving forest biomass harvest.

Statutory authority for adoption: RCW 76.09.040

Statute being implemented: Second Engrossed Substitute Senate Bill 6406, chapter 1, laws of 2012

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

DATE
May 20, 2013

NAME (type or print)
Aaron Everett

SIGNATURE

TITLE
Chair

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 22, 2013
TIME: 8:54 AM

WSR 13-11-133

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Forest Practices Board

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Marc Engel	1111 Washington Street SE, Olympia	(360) 902-1390
Implementation....	Donelle Mahan	1111 Washington Street SE, Olympia	(360) 902-1405
Enforcement.....	Mary McDonald	1111 Washington Street SE, Olympia	(360) 902-1398

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☐ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:
Name:
Address:

phone ( ) _____
fax ( )_____
e-mail _____

☒ No. Explain why no statement was prepared. The rule proposal will not impose costs on businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name: Gretchen Robinson
Address: 1111 Washington Street SE, Olympia WA 98504-4012

phone (360) 902-1705
fax (360) 902-1428
e-mail gretchen.robinson@dnr.wa.gov

☐ No: Please explain: