Concise Explanatory Statement
In Compliance with RCW 34.05.325(6)
Forest Practices Board

Historic Sites Rule Making
August 2008

REASONS FOR ADOPTING THE RULE

The Forest Practices Board amended certain Forest Practices rules (Title 222 WAC) that define applications involving cultural resources. The rules are a consensus recommendation from the TFW Cultural Resources Committee.

The rules:
- clarify that historic sites are determined by the Department of Archaeology and Historic Preservation,
- clarify that certain historic sites are Class IV-special applications,
- address ambiguities in and overlap between Class IV-special and Class III definitions, and
- recognize cultural resources protection and management plans from voluntary landowner-tribe(s) planning efforts, including watershed analysis, as exempt from Class IV-special status for cultural resources.

The rules affect WAC 222-16-010 (definitions) and WAC 222-16-050 (classes of forest practices):
1. “historic sites” in WAC 222-16-010,
2. “Class IV-special” in WAC 222-16-050 (1) (f), and
3. “Class III” in WAC 222-16-050 (3) (k).

ADOPTION DATE OF THE RULE


DIFFERENCES BETWEEN PROPOSED RULE AND ADOPTED RULE

There are no differences between the proposed rule and the final rule.

RULE MAKING TIMELINE

09/06/2006 Pre-proposal Statement of Inquiry (CR-101) published in the Washington State Register
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td>10/26/2007</td>
<td>Board solicits input on proposed rule language from the counties and the Washington Department of Fish and Wildlife per RCW 76.09.020(4), and the tribes. Thirty-day comment period. Board receives one written comment, from the Samish Indian Nation.</td>
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<tr>
<td>05/07/2008</td>
<td>Proposed Rule Making (CR-102) published in the Washington State Register</td>
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<tr>
<td>04/25/2008</td>
<td>Board initiates SEPA review with distribution of the SEPA checklist, threshold determination, proposed rule language, and preliminary economic analysis. Fourteen-day review and comment period.</td>
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<tr>
<td>06/12/2008</td>
<td>Notice of Board’s rule making hearings and fourteen-day comment period.</td>
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<tr>
<td>06/17/2008</td>
<td>Rule making hearing, Ellensburg</td>
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<td>06/24/2008</td>
<td>Rule making hearing, Tukwila</td>
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<tr>
<td>06/26/2008</td>
<td>Rule making hearing, Spokane</td>
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<td>06/27/2008</td>
<td>Due date for comments</td>
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<td>08/13/2008</td>
<td>Board adopts the historic sites rule language</td>
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**SUMMARY OF COMMENTS RECEIVED DURING SEPA REVIEW AND HEARING COMMENT PERIODS, AND RESPONSES TO COMMENTS**

The Board received one written comment. No oral comments were received.

**Comment in Support of the Proposed Rule Language**

One written comment in support of the proposal was received:

The Washington Forest Protection Association (WFPA) supports the proposed rule language as clear and definable language that will protect important historic sites while removing ambiguous language that has interfered with efficient implementation of the rule. WFPA also supports the collaborative approach by the Timber/Fish/Wildlife Cultural Resources Committee to reach agreement.