

FOREST PRACTICES RULE MAKING HISTORY

1976-Present

Updated April 2018

| Rule Making Activities (+ statute changes & other studies) | Developed | Proposed | Adopted | Effective | Other Information | Emergency Rules |
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| <p><u>Pre 1974</u> The state's first Forest Practices Act (1946) required reforestation.</p> <p>The current Forest Practices Act, chapter 76.09 RCW, was enacted in 1974, partially amended in 1975, and further amended many times since.</p> | | | | | A nine-member Forest Practices Board was formed to adopt rules to protect soils, water, fish, wildlife, and public capital improvements from impacts of timber harvesting. | |
| <p><u>Forest Practices Rules</u> - Title 222 WAC</p> <ul style="list-style-type: none"> ▪ Practices & procedures ▪ Policy & organization ▪ Definitions ▪ Application & notification procedures ▪ Road construction & maintenance ▪ Timber harvesting ▪ Reforestation ▪ Forest chemicals ▪ Supplemental directives ▪ Enforcement ▪ Relationship to other lands & regulations | 1974-1975 | 1975 DEIS (Draft Environmental Impact Statement) Public hearings held statewide FEIS (Final EIS) | 1976 | 7/16/1976 | Interim regulations were adopted 12/1974, and 2/1975, 7/1975 and 10/1975 Two public members added to FPB 6/1975 making an 11-member Board. | 12/31/1974, and after 1975 legislation: 2/22/1975 |
| <p><u>Class IV-Special Committee Report</u> Identified 14 issues related to forest practices impacts and environmental review. Study groups were set up to determine which issues should be Class IV-Special.</p> | 1979 | | | | Classic U decision triggered this study. Major issues studied unstable soils, watersheds, fish, slide areas, conversions, rare species, chemicals, parks, archaeological and historic sites. | |
| <p><u>Rule Changes</u></p> <ul style="list-style-type: none"> ▪ Parks, archaeological & historic sites ▪ Threatened & endangered species ▪ Chemical applications ▪ Forest roads ▪ Timber harvest; slash and debris disposal ▪ Post-harvest site preparation ▪ Reforestation of harsh sites ▪ Notice of reforestation obligation | 1980-1981 | 1981 DEIS: 10/1981 9 public hearings FEIS: 6/1982 | 8/1982 | 10/1/1982 | Forest Practices Advisory Committee led this effort. | |
| <p><u>Cumulative Effects Study</u> Phase 1 (Geppert) <u>Riparian Habitat Study</u> Phase 1 (Sacket)</p> | 1984 | | | | Studies were requested by FPB and published in 1984 and 1985. They summarized existing scientific knowledge. | |

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| <u>SEPA rules</u> | 1984 | 6/1984 | 8/1984 | 10/1/1984 | The State Environmental Policy Act was amended in 1983, requiring agencies to adopt SEPA rules. | |
| <u>Reforestation Requirements for Eastern and Western Washington</u> | 1986 | 8/1986 | 10/1986 | 12/1/1986 | | |
| <u>"TFW" Rule Package</u> <ul style="list-style-type: none"> ▪ Riparian management zones (RMZs) ▪ Adaptive management ▪ Alternate plans-Class III ▪ Application of chemicals ▪ Protection of tribal cultural resources ▪ Resource management plans (RMPs) ▪ Upland management areas (voluntary) ▪ Interdisciplinary (ID) teams ▪ Reforestation | <p>Discussions on rule revisions began in 1984.</p> <p>TFW Agreement: 2/1987</p> | <p>5/1987</p> <p>DEIS: 5/1987</p> <p>9 public hearings</p> <p>FEIS: 10/1987</p> | 11/1987 | 1/1/1988 | <p>Interested parties (state agencies, industrial and small landowners, tribes, counties, environmental groups) came together at Port Ludlow in 1986 to identify ways to work cooperatively to adopt rules acceptable to each other. TFW Agreement spelled out ground rules and a consensus process for developing rule proposals, which were then recommended to the Forest Practices Board.</p> <p>CMER committee established.</p> | None |
| <u>Eastside RMZ Rules</u> | Continuation of TFW rules | <p>Spring 1988</p> <p>Supplemental DEIS: 6/1988</p> <p>2 public hearings</p> <p>Supplemental FEIS: 9/1988</p> | 9/1988 | 11/1/1988 | Included a provision about timber harvest within parks, cemeteries, etc. | None |
| <u>Class IV General Rules</u> <ul style="list-style-type: none"> ▪ Conversion option harvest plan (voluntary). ▪ Review by local government entities in "areas likely to convert" (ALTCs). | <p>Began in 1988</p> <p>FPB Class IV-General Advisory Committee formed in 8/1988</p> | <p>10/1989</p> <p>2 public hearings</p> | 10/1991 | 12/16/1991 | Advisory committee included representatives from WFPA, NWIFC, DNR, contract loggers, consulting foresters, Audubon Society, WEC, WFFA, counties, and cities. | None |
| <u>Sustainable Forestry Roundtable-1989-90</u> Attempted to address issues that were "left on the table" at the time of the original TFW Agreement. | No rules were developed. | None | None | None | <p>Agreement not ratified; supported by 4 of 5 caucuses.</p> <p>Subsequent legislation was introduced to carry SFR ideas forward, but it did not pass.</p> | <u>Class IV-Special and Watershed Screening:</u> Adopted 11/1990 Re-adopted 3/1991 |

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| <u>Rate of Harvest Monitoring</u> Requires DNR to monitor the rate of timber harvesting and report results to the FPB each year. | 1991 | 12/1991 1 public hearing | 3/1992 | 4/23/1992 | Stakeholders were in agreement with this rule, so it was adopted earlier than the larger 1992 rule package. | None |
| <u>1992 Rule Changes</u> <ul style="list-style-type: none"> ▪ Wetlands ▪ Cumulative Effects -Watershed Analysis ▪ Class IV Special & Critical Wildlife Habitat ▪ Clearcut Size & Timing ▪ Chemicals & Fertilizers ▪ Stream Temperature ▪ Wildlife Reserve Trees and Down Logs | Preproposal meetings held statewide in 10/1991. Rules drafted by DNR, TFW & FPB Committees, which made recommendations to the Board. | 3/1992 DEIS: 4/1992 12 public hearings Proposal revised: 5/1992 1 public hearing FEIS: 6/1992 | 6/1992 | 8/2/1992 | Legislature provided \$1.6 million to DNR and other agencies in FY93 if new forest practices rules were adopted by 6/30/1992. FPB Wildlife Committee coordinated closely with L&I/DNR Safety Guidelines Committee. Wildlife Reserve Tree rule proposals immediately followed publication of Reserve Tree Selection Guidelines in 5/1992. | <u>Class IV-Special and Chemicals and Pesticides:</u> Adopted 7/1991 Re-adopted: 10/1991 2/1992 6/1992 <u>Watershed Analysis:</u> Adopted 8/1991 Re-adopted: 1/1992 4/1992 |
| <u>Late 1992 Rule Changes</u> <ul style="list-style-type: none"> ▪ Two year forest practices applications ▪ Editorial corrections | Drafted by FPD staff. | 9/1992 1 public hearing | 11/1992 | 12/18/1992 | Change made to chapter 76.09 RCW by legislature. | <u>Two Year Applications:</u> Adopted 8/1992 <u>Small Landowner Exception and Stream Temp Correction:</u> Adopted 8/1992 Re-adopted 12/1992 |
| <u>Sunset of Northern Spotted Owl (NSO) 500 Acre Rule</u> <ul style="list-style-type: none"> ▪ ESA Disclaimer ▪ Editorial corrections | FPB began 30-day review on 11/12/1992 and directed that APA be started after this review was completed. | 2/1993 1 public hearing | 5/1993 | 6/19/1993 | Influenced by the WDW lawsuit. | |
| <u>Fees for Forest Practices Applications</u> | | | | 7/1993 | Change to the Forest Practices Act by the 1993 Legislature | |
| <u>Civil Penalty Rules</u> | Legislation directed DNR to recommend rules to the FPB. | 10/1993 2 public hearings | 12/1993 | 1/1/1994 | Proposal was simplified and streamlined as a result of public comment. | |

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| <u>Bogs Rule</u> Technical correction to 1992 wetlands rules. | TFW Wetlands Technical Advisory Group | 4/1994 1 public hearing | 8/1994 | 8/13/1994 | | <u>Bogs & Fens:</u> Adopted 11/1993 Re-adopted 3/1994 |
| <u>Marbled Murrelet</u> | Two rule options drafted by DNR in consultation with WDFW. FPB Wildlife Committee recommended both be proposed. | 11/1993 | | | Marbled Murrelet federally listed in 10/1992; state listed in 10/1993. MM Science Advisory Group (SAG) Report – 9/1993 These proposed rules were later combined with proposed NSO rules. | <u>Marbled Murrelets:</u> Adopted 11/1992 Re-adopted: 3/1993 7/1993 11/1993 3/1994 |
| <u>Northern Spotted Owl</u> | FPB requested proposals. FPB Wildlife Committee developed a preferred alternative. See below for more details. | 8/1994 | | | NSO state listed in 1/1988; federally listed in 7/1990. NSO SAG Report - 12/1993. Permanent 500-acre rule sunset: 2/9/1994. FPB adopted the same language as an emergency rule to be in effect until a new permanent rule was developed and adopted. Second SAG Report: 7/1994 | <u>Northern Spotted Owl:</u> Adopted 2/1994 |
| <u>Northern Spotted Owl & Marbled Murrelet</u> Combined into one package. Sent out for 30-day county, agency, Tribal, and public review 6/1994. | NSO Alternatives: ▪ Wildlife Comm. ▪ WFPA ▪ YIN-WEC ▪ Revised Alternative MM Alternatives: ▪ Occupied Stand ▪ MM-WAU | 8/1994 DEIS 1/1995 4 public hearings – 3/1995 Proposal revised Supplemental DEIS & public hearing – 2/1996 Substantial change – 4/1996 Public hearing and FEIS 5/1996 | 5/22/1996 | 7/1/1996 | Three NSO alternatives and two MM alternatives proposed originally. “TFW proposal” replaced the three NSO alternatives 11/1995 (after 4/1995 public hearings, the FPB accepted TFW’s offer to develop a consensus rule for the NSO). TFW owl group continued to work on finalizing rule language & SOSEA boundaries. Supplemental DEIS analyzed new information: TFW proposal and federally proposed 4(d) rule. | <u>NSO & MM - Combined:</u> Re-adopted: 6/1994 10/1994 2/1995 5/1995* 9/1995 1/1996 5/1996 * “Best” 500 acres added to NSO rule in May 1995. |
| <u>Marbled Murrelet</u> 1996-97 Continued after owl rule adopted. | FPB MM Committee formed 5/1996. | MM proposed rules continued 6/1996 | 7/10/1997 | 8/22/1997 | Platform survey protocols are detailed in the Board Manual. | <u>Marbled Murrelet:</u> Continued 7/1996 to 8/1996. |

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| | <p>Two detection area approaches added to proposal 9/1996.</p> <p>DNR staff alternative - 5/1997</p> <p>Final staff proposal - 7/8/1997</p> | <p>Supplemental DEIS- 1/1997</p> <p>Public hearing 2/1997</p> <p>Supplemental notice 5/1997</p> <p>Public hearing 6/24/1997</p> <p>Supplemental FEIS 6/1997</p> | | | | <p>Re-adopted: 8/1996 12/1996 4/1997</p> |
| <u>Western Gray Squirrel</u> | <p>Rule concepts developed in 1994 by DNR and WDFW for FPB Wildlife Committee.</p> | | | | <p>Listed by Washington Wildlife Commission 10/1993. Addressed in DEIS (1/1995) and FEIS (5/1996).</p> <p>FPB, upon recommendation from WDFW, decided not to adopt rules because landscape-planning efforts are anticipated to protect WGS 8/1996.</p> | |
| <u>North American Lynx</u> | | | | | <p>Listed by Washington Fish and Wildlife Commission in 10/1993. The three major owners of lynx habitat developed landscape plans, which were accepted by the Board in 11/1996.</p> <p>FPB chose not to adopt rules as long as plans are effective in providing habitat for the lynx. Annual reports will be made to the Board.</p> <p>Listed by the USFWS as threatened 3/21/2000</p> | |
| <u>Conversions Landowner Landscape Plans</u> | | | | 7/1997 | <p>Changes to the Forest Practices Act (chapter 76.09 RCW) by the 1997 Legislature. <u>Conversions</u></p> | <p><u>More details</u> Each city or county is required to adopt ordinances to</p> |

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| | | | | 7/1997 - 12/2000 | Class IV-General applications are transferred to local government. <u>Landowner Landscape Plans</u> Up to seven pilot plans for long-term wildlife management. None were submitted for approval. | regulate Class IV-General forest practices by 12/31/2001. |
| <u>Columbia River Gorge National Scenic Area - Special Management Area Rules</u> | Negotiated rule making proposal developed 1996-1997 | 12/1997 for expedited adoption | 2/24/1998 | 5/1/1998 | Gorge Plan Guidelines apply to forest practices in the Special Management Area. Co-adopted by Department of Ecology. In 2/1998, DNR signed an MOU with the U. S. Forest Service and the Columbia Gorge Commission to implement the rules. | |
| <u>Water Typing</u> | TFW developed recommendation 11/1996 | 7/1997 Proposal expired: 12/1998 | | | First step in major rule revision. TFW working on Forestry Module, a more comprehensive proposal. New water typing system proposed in Forestry Module initial draft 10/1998. See Forests and Fish Rules below. | <u>Water Type Rule</u> Adopted 11/1996 Re-adopted: 3/1997 7/1997 11/1997 3/1998 5/1998 9/1998 11/1998 3/1999 4/1999 8/1999 11/1999 |
| <u>Salmonids</u> Listed as threatened or endangered under ESA. | | | | | Steelhead listed by NMFS: Upper Columbia (endangered) - 8/1997 Snake River (threatened) - 8/1997 Lower Columbia (threatened) - 3/1998 Bull Trout listed as threatened by USFWS - 6/1998 West coast bull trout listed by USFWS - 11/1999 | <u>Salmonid E-Rule (#1):</u> Adopted 5/1998 Invalidated by court 9/1998 <u>Salmonid E-Rule (#2):</u> Adopted 9/1998 <u>Salmonid E-Rule (#3):</u> Adopted 11/1998 |

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| | | | | | | <p><u>Salmonid E- Rule (#4):</u> Adopted 3/1999</p> <p><u>Salmonid E- Rule (#5):</u> Adopted 4/1999</p> <p><u>Salmonid E-Rule (#6):</u> Adopted 8/1999</p> <p><u>Salmonid E-Rule (#7):</u> Adopted 11/1999</p> |
| <p><u>Forestry Module</u></p> <ul style="list-style-type: none"> ▪ Initial Draft ▪ Proposals received by FPB <p>See Revised Permanent Rules below.</p> | <p>1998-99</p> <p>April 1999: F&F Report</p> <p>Environmental Proposal</p> <p>Tribal Proposals</p> | <p>Initial draft: 10/12/1998</p> | | | <p>Received by the Board Board requested environmental analysis in a DEIS, to be published in spring 2000</p> | |
| <p><u>Salmon Recovery Act</u> ESHB 2091</p> <p>(Forests and Fish legislation)</p> | <p>1999 legislative session</p> | | | <p>8/1999</p> | <p>Key changes included:</p> <ul style="list-style-type: none"> ▪ FPB encouraged to adopt emergency and permanent rules consistent with the Forests and Fish Report. ▪ Forest riparian easement program established ▪ Tax credits | |
| <p><u>Forest Practices</u> <u>Emergency Rules</u></p> <ul style="list-style-type: none"> ▪ Water typing ▪ Riparian management zones ▪ Unstable slopes ▪ Roads and wetlands ▪ Watershed analysis SEPA guidance ▪ Adaptive management ▪ Enforcement ▪ Pesticides | <p>Spring/ Summer 1999</p> | <p>10/1999</p> | <p>1/20/2000</p> | <p>3/20/2000</p> | <p>Consistent with Forests and Fish Report of 4/1999.</p> <p>Delayed effective date allows for statewide training.</p> <p>New and revised FPB manuals also effective 3/20/2000.</p> | <p>ESHB 2091 allows these rules to be effective until permanent rules are adopted or until 6/30/2001, whichever is sooner.</p> |

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| <ul style="list-style-type: none"> ▪ Multiyear permits ▪ Other rules | | | | | | |
| <u>Additions to Emergency Rules</u> Small Forest Landowner Forestry Riparian Easement Program | Late 1999- March 2000 | 3/22/2000 Public hearing 5/9/2000 | 5/10/2000 | 7/3/2000 | Establishes small forest landowner riparian easement program. New chapter 222-21 WAC. | |
| <u>Revised Permanent Rules</u> (per Forests and Fish Report) DEIS on three alternatives: 1. Current rules 2. Forests and fish report 3. Combined (some elements) of environmental and tribal proposals. | Fall 2000/Spring 2001 | 2/17/2001 DEIS Published: 3/20/2000 Public hearing: 4/19/2000 FEIS Published: 4/4/2001 2 public hearings: 4/24/2001 Yakima 4/25/2001 Seattle | 5/17/2001 | 7/1/2001 | Proposal will start with emergency rules and expand to include other elements of the Forests and Fish Report. | |
| <u>Small Forest Landowner Forestry</u> <u>Riparian Easement Program</u> WAC 222-21-020 and -061 | 2001 legislation Negotiations by SFLO | 8/8/2001 2 public hearings: 1/15/2002 Olympia 1/17/2002 Spokane | 2/13/2002 | 3/23/2002 | SHB 2105 amended Chapter 76.13 RCW, Stewardship of Non- Industrial Forests & Woodlands. Allows more flexibility for landowner participation: <ul style="list-style-type: none"> ▪ Removes requirement for an approved FPA. ▪ Allows flexibility in valuation of timber. ▪ Allows reimbursement for cost of preparing and recording easement. ▪ Allows reimbursement of all business, occupation, and real estate excise taxes. | Adopted 08/2001 Re-adopted 11/2001 |
| <u>SEPA Wildlife</u> WAC 222-10-040 and -041 | 1/2002 Negotiated rule proposal. | 2/13/2002 1 public hearing: 3/26/2002 Olympia | 5/8/2002 | 6/13/2002 | Adds wording that clarifies that existing SEPA guidelines for T & E species do not apply to forest practices that are consistent with an approved wildlife conservation agreement for species covered by that agreement. | None |

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| <u>Class II FP, Salvage of Logging Residue</u> WAC 222-16-050 | 2/2002 Drafted by FPD staff | 2/13/2002 1 public hearing: 7/16/2002 Olympia | 8/7/2002 | 9/20/2002 | Corrects an error made in original rule package of 2001. | Adopted 2/2002 Re-adopted 7/2002 |
| <u>Small Forest Landowner Forestry Riparian Easement Program</u> Chapter 222-21 WAC | 2002 legislation Staff and SFL Advisory Committee | 11/20/2002 1 public hearing: 1/15/2002 Olympia | 2/19/2003 | 3/29/2003 | SSHB 2311 amended chapter 76.13 RCW - Stewardship of Non- Industrial Forests & Woodlands. Eliminates compensation reduction for multiple entry easements. Clarifies DNR authority to reimburse landowners for costs of easement preparation. | None |
| <u>Riparian Research Pilot Study</u> Experimental research treatments – Bull Trout Overlay Study and Hardwood Conversion Study | | | | 12/3/2003 | CMER will conduct two experimental research treatments to develop information that will be used to evaluate the FP rules and may result in the development of new or modified rules through the Adaptive Management process. The treatments will occur within the next three years and will be monitored for several years. | None |
| <u>Procedures/Ethics</u> Chapter 222-08 WAC | 4/2001 Drafted by FPD staff | 5/8/2002 1 public hearing: 1/13/2004 Olympia | 2/11/2004 | 3/20/2004 | Provides guidance to the Board and the public on board procedures including public disclosure and ethics standards. | None |
| <u>Marbled Murrelet</u> WAC 222-12-090 and WAC 222-16-010 | Spring/Summer 2003 | 12/2/2003 1 public hearing: 1/13/2004 Olympia | 2/11/2004 | 3/19/2004 | Incorporates the updated 1/6/2003, Pacific Seabird Group (PSG) protocol as the standard for surveying for Marbled Murrelets in forests. Provides a third year survey option for landowners. | None |
| <u>Cultural Resources</u> WAC 222-08-160, WAC 222-12-010, WAC 222-16-010, chapter 222-22 WAC | Spring/Summer 2003 | 11/9/2004 1 public hearing: 1/11/2005 Olympia | 5/11/2005 | 7/1/2005 | Establishes annual report to the Board on the Cultural Resources Protection and Management Plan that facilitates voluntary protection and management of cultural resources as they relate to forest practices and incorporates the Cultural Resources Module into the | None |

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| | | | | | Watershed Analysis Manual, Board Manual Section 11. | |
| <u>Clarifications</u> Title 222 WAC | Summer 2004 | 2/16/2005 1 public hearing: 4/11/2005 Olympia | 5/11/2005 | 7/1/2005 | Corrects typographical errors, clarify language without changing the effect of existing rules, and incorporate amendments to chapter 76.09 RCW. | None |
| <u>Small Forest Landowner Road Maintenance and Abandonment Plans (RMAPs)</u> WAC 222-16-010, -050, WAC 222-20-010, -015, -040, -055 and WAC 222-24-010, -050, -051 SSHB 1095 (2003), amended chapters 76.09, 76.13, and 77.12 RCW. The legislation directs the Board to adopt emergency rules by October 31, 2003 that are to remain in effect until permanent rules can be adopted. | 10/2004-1/2005 via stakeholder process. | 9/7/2005 DEIS 10/2005 5 public hearings: 11/17/2005 Omak 11/29/2005 Colville 12/1/2005 Kelso 12/13/2005 Walla Walla 12/15/2005 Everett FEIS 4/2006 | 5/10/2006 | 6/18/2006 | Defines certain terms as they pertain to SFLO RMAPs. Alters planning requirements for SFLOs including the creation of a simplified planning checklist. Exempts SFLO's checklist plans from continuing obligation requirements upon transfer of title. Establishes a cost-share program to provide financial assistance for removal of fish blockages. | Developed 6/2003-9/2003 via stakeholder process. Board approved draft for public review 8/13/2003. 2 public hearings: 9/25/2003 Longview 9/29/2003 Colville Adopted 10/2003 |
| <u>Northern Spotted Owl</u> WAC 222-10-041(4), WAC 222-16-010 | 11/2005-1/2006 | 5/2006 4 public hearings 5/25/2006 Longview 6/1/2006 Forks 6/6/2006 Yakima 6/8/2006 Mount Vernon | 8/9/2006 | 9/21/2006 | On lands within a SOSEA, removes the ability of a landowner to count an adjacent landowner's habitat under an HCP, LOP or other approved plan. In the definition of "Northern spotted owl site center", places a moratorium on the practice of "decertifying" Status 1, 2, and 3 spotted owl sites. This moratorium is in place until June 30, 2007 until a spotted owl recovery plan is completed. | Developed Fall 2005 in consultation with stakeholder caucuses. Adopted 11/2005 Re-adopted 2/2006 Re-adopted 5/2006 |
| <u>Perennial Initiation Points</u> WAC 222-16-030(3) and WAC 222-16-031(4) | | 8/22/2006 Petition for Rule Making by the Adaptive Management Policy Committee | 11/1/2006 | 12/16/2006 | Under the adaptive management process, a scientific study was completed by the Cooperative Monitoring, Evaluation, and Research (CMER) Committee, <i>Type N Stream Demarcation Study, Phase I: Pilot Results</i> . It indicated | |

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| | | 2 public hearings: 9/28/2006 Colville 10/12/2006 Mount Vernon | | | that the default basin sizes available for use in determining stream perennial initiation points are incorrect. | |
| <u>Small Forest Landowner Long Term Applications</u> WAC 222-12-030, -035, -0401, -0402, 222-16-010, -050, and chapter 222-20 WAC | | 6/27/2007 3 public hearings: 8/7/2007 Spokane 8/9/2007 Aberdeen 8/14/2007 Everett | 9/11/2007 | 10/27/2007 | Small forest landowners may propose forest practices applications in a new two-step process. Approvals may be for up to 15 years at the landowner's discretion. | None |
| <u>Riparian Research Pilot Study</u> Type N Experimental Buffer Treatment Study | | | | 2/16/2007 | CMER will conduct a harvest-unit evaluation of buffer effectiveness that will provide valuable information for the management of headwater streams. This information may result in the development of new or modified rules through the forest practices adaptive management program. | None |
| <u>Riparian Research Pilot Study</u> Type N Experimental Buffer Treatment Study | | | | 2/27/2008 | As part of the research started in 2007, CMER will conduct an even age harvest in spring/summer 2008 which is 41 acres over the allowance for even age harvest in Forest Practices Rules. This is necessary to apply a designated treatment to determine buffer effectiveness. It will provide valuable information for the management of headwater streams, and may result in new or modified rules through the adaptive management program. | None |
| <u>Northern Spotted Owl</u> WAC 222-16-010 | 7/2007 | 10/30/2007 3 public hearings: 12/12/2007 Kelso 12/19/2007 Port Angeles 1/8/2008 Yakima | 2/22/2008 | 3/29/2008 | In the definition of "Northern spotted owl site center", extended a moratorium on the practice of "decertifying" Status 1, 2, and 3 spotted owl sites. This moratorium is in place until December 31, 2008. | Adopted 6/2007 Re-adopted 10/2007 Re-adopted 2/2008 |

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| <u>Historic Sites and Conversion Activities</u> WACs 222-16-010 and -050 | Historic sites: 8/2006 – 3/2008 Conversion activities: 10/2007 – 3/2008 | 4/2008 3 public hearings: 6/17/2008 Ellensburg 6/24/2008 Tukwila 6/26/2008 Spokane | 8/13/2008 | 9/19/2008 | Clarifies rules that classify forest practices involving archaeological sites, historic sites and tribal cultural resources. Defines “conversion activities” in support of implementing SSSB 5883, 2007 legislation. | None |
| <u>Board Composition and Miscellaneous Corrections</u> WAC 222-08-150 and minor edits in numerous other WACs | 5/2007 – 7/2008 | 8/2008 This rule making was accomplished through the expedited rule making procedure provided in RCW 34.05.353. | 11/12/2008 | 12/22/2008 | Implemented SHB 2893, 2008 legislation that added a 13 th Forest Practices Board member and changed the criterion for the small forest landowner general public member position. Made minor corrections throughout Title 222 WAC. | None |
| <u>Desired Future Conditions</u> WAC 222-30-021 | 5/2006 – 5/2008 | 8/30/2005 Petition for Rule Making by the Adaptive Management Policy Committee 4 public hearings: 12/16/08 Centralia 12/18/08 Port Townsend 1/6/09 Ellensburg 1/8/09 Mount Vernon | 8/12/2009 | 9/25/2009 | Under the adaptive management process, a scientific study was completed by the Cooperative Monitoring, Evaluation, and Research (CMER) Committee, <i>Validation of the Western Washington Riparian Desired Future Condition (DFC) Performance Targets in the Washington State Forest Practices Rules with Data from Mature, Unmanaged, Conifer-Dominated Riparian Stands</i> . The study results indicated that the basal areas in mature unmanaged conifer-dominated riparian stands are significantly different (higher) than the basal area targets adopted in the 2001 rules. | None |
| <u>Northern Spotted Owl Habitat Development & Improvement Pilot Study</u> | | | | 2/10/2010 | As a recommendation from the Northern Spotted Owl Policy Working Group a pilot rule will explore the feasibility of thinning and other habitat enhancement operations with the explicit goal of improving habitat quality while avoiding the time and expense of | None |

FOREST PRACTICES RULE MAKING HISTORY

1976-Present

Updated April 2018

| Rule Making Activities (+ statute changes & other studies) | Developed | Proposed | Adopted | Effective | Other Information | Emergency Rules |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------|---------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| | | | | | SEPA compliance or development of a long-term management plan. If the pilot is successful in improving habitat quality then a proposed rule allowing beneficial management activities and providing a procedure that is less costly for landowners may be recommended. | |
| <u>Northern Spotted Owl 2009</u> WACs 222-16-010 and 222-16-080 | 12/2008 | 1 st - 12/2008 2 nd - 2/2010 2 public hearings: 9/29/2009 Olympia 4/7/2010 Olympia | 5/2010 | 6/17/2010 | Established a three-member "spotted owl advisory group" . | Adopted 12/2008 Re-adopted 2/2009 Re-adopted 11/09 Re-adopted 2/2010 |
| <u>Administrative Appeals</u> WACs 222-12-070, -080, 222-16-010, 222-20-050, 222-30-023, 222-46-030, -040,-060, -070, -090 | 4/2010 | 8/2010 | 11/2010 | 12/16/2010 | Incorporated provisions of 2010 Natural Resources Reform (SHB 2935) pertaining to appeals of forest practices decisions; incorporated provisions of 2007 legislation (2SSB 5883) pertaining to the Notice of Conversion to a Nonforestry Use; and corrected a typographical error in WAC 222-30-023. | None. |
| <u>Forest Biomass, Riparian Open Space Program and Watershed Analysis</u> WACs 222-10-030, -035, -125, 222-12-010, -090, 222-16-010, -050, 222-20-080, and chapters 222-22 and 222-23 WAC | 6/2009-7/2010 | 2/2011 3 public hearings: 3/24/11 Ellensburg 3/30/11 Olympia 3/31/11 Sedro Woolley | 5/2011 | 6/19/2011 | Added forest biomass harvest in the definition of "forest practice." Implemented Substitute Senate Bill 5401 (2009 session) relating to the Riparian Open Space Program. Ensures that watershed analysis prescriptions continue over time to be protective enough to warrant an exemption from Class IV-special classification. | None. |
| <u>Extension of RMAP Performance Period</u> WACs 222-24-050 and 222-24-051 | 6/2010-11/2010 | 5/2011 3 public hearings: 6/23/11 Sedro Woolley 6/28/11 Port Angeles 6/30/11 Centralia | 8/2011 | 10/3/2011 | Extended the performance period for road maintenance and abandonment plans (RMAPs) up to five years, until 2021. | None. |

FOREST PRACTICES RULE MAKING HISTORY

1976-Present

Updated April 2018

| Rule Making Activities (+ statute changes & other studies) | Developed | Proposed | Adopted | Effective | Other Information | Emergency Rules |
|--------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <u>Notice of Forest Practices to Affected Indian Tribes and Critical Habitat</u> WACs 222-16-080, 222-20-120 and 222-30-021 | 5/2010-11/2011 | Notice of FP to Affected Indian Tribes – 10/2011 Critical Habitat - 12/2011 2 public hearings: 1/3/12 Olympia 1/5/12 Ellensburg | 2/2012 | 3/18/2012 | Removed the bald eagle and the peregrine falcon from the Board's critical habitats (state) list and removing the option to use a bald eagle site management plan. Updated the common and scientific names for the Western pond turtle. Clarified language with the landowner-tribe meeting requirement. | None |
| <u>Forestry Riparian Easement Program</u> Chapter 222-21WAC | 9/2011-10/2011 | 2/2012 | 5/2012 | 6/22/2012 | Incorporated provisions of ESHB 1509 (2011 legislation) that reformed the program. | None |
| <u>Riparian Research Pilot Study</u> Type N Experimental Buffer Treatment for Soft Rock Lithology Study | | | | 5/18/2012 | CMER will conduct a basin level evaluation of buffer effectiveness that will provide valuable information for the management of headwater streams. Field data collection will begin Summer 2012. This information may result in the development of new or modified rules through the forest practices adaptive management program. | None |
| <u>Conversions and Forest Practices Applications</u> Chapters 222-08, 222-12, 222-16, 222-20 WAC | 6/2012-7/2012 | 8/2012 1 public hearing: 10/10/12 Olympia | 11/2012 | 1/5/2013 | Eliminated inconsistencies between chapter 76.09 RCW and Title 222 WAC created with 2007, 2011, and 2012 legislation and clarified existing rule language related to forest practices within urban growth areas. | None |
| <u>Adaptive Management Program Reform</u> WAC 222-12-045 | 3/2013-7/2013 | 5/2013 2 public hearings: 6/27/13 Ellensburg 6/29/13 Olympia | 8/13/2013 | 10/20/2013 | Amended rules to incorporate recommendations resulting from the Forest Practices Habitat Conservation Plan settlement agreement. | None |

FOREST PRACTICES RULE MAKING HISTORY

1976-Present

Updated April 2018

| Rule Making Activities (+ statute changes & other studies) | Developed | Proposed | Adopted | Effective | Other Information | Emergency Rules |
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| <u>Forest Practices Hydraulic Project (FPHP) and Forest Biomass</u> Chapters 222-12, 222-16, 222-20, 222-24, 222-30, and 222-50 WAC | 1/2013-7/2013 | 5/2013 2 public hearings: 6/27/13 Ellensburg 6/29/13 Olympia | 8/13/2013 | 12/30/2013 | FPHP rules: Carried out 2012 legislation [Second Engrossed Substitute Senate Bill 6406 (2ESSB 6406), chapter 1, laws of 2012]. Forest biomass rules: Implemented August 2012 recommendations of the Forest Practices Biomass Working Group. | None |
| <u>Unstable Slopes Information in Forest Practices Applications</u> WACs 222-10-030 and 222-20-010 | 5/2014-9/2014 | 11/2014 1 public hearing: 1/7/15 Olympia | 2/10/2015 | 3/29/2015 | The purpose is to inform prospective applicants that the DNR may require additional information, including additional geologic information, when reviewing Forest Practices Applications. | None. |
| <u>Electronic Signature and Payment</u> WACs 222-20-010 and 222-20-030 | 2/2017 | 8/2017 1 public hearing: 1/4/18 Olympia | 2/14/2018 | 4/7/2018 | Amended rules to allow for electronic signature and electronic payment when a Forest Practices Applications and Notifications (FPA/N) is submitted electronically. | None. |
| <u>Public Disclosure Fee Schedule</u> Chapter 222-08 WAC | 8/2017 | 11/2017 1 public hearing: 1/4/18 Olympia | 2/14/2018 | 4/7/2018 | The purpose is to implement House Bill 1595 (2017 Legislature). | None. |

For more information on past and current rule making activity, check the Forest Practices Rule Making Activity web page at http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesRules/Pages/fp_rules_activity.aspx.

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