

DETERMINATION OF NONSIGNIFICANCE

Description of proposal:

The Forest Practices Board proposes to amend the rules in Title 222 WAC that address continuing review and reanalysis of watershed analysis prescriptions. The intent of this rule proposal is to keep watershed analysis prescriptions current in light of changes in the watershed over time as well as new research and technology. This ongoing review and reanalysis process is intended to better ensure that forest practices activities implementing watershed analysis prescriptions continue to warrant exemption from Class IV-special SEPA review.

Proponent: **Forest Practices Board**

Location of proposal, including street address, if any:

This is not a site-specific proposal. State managed and privately owned forest lands in Washington State are subject to the forest practices act rules (chapter 76.09 RCW and Title 222 WAC).

Lead agency: **Forest Practices Board**

The lead agency has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal before May 10, 2011. Comments must be submitted by April 1, 2011.

Responsible official: **Peter Goldmark**
Position/Title: **Commissioner of Public Lands** Phone: **(360) 902-1004**

Address: **Forest Practices Board
c/o Patricia Anderson, Rules Coordinator
Department of Natural Resources
1111 Washington Street SE
PO Box 47012
Olympia, WA 98504-7000
(360) 902-1400**

Date: March 16, 2011

Signature: _____



ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21 RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

A. BACKGROUND

1. Name of proposed project, if applicable:
This is a nonproject action proposed by the Forest Practices Board to amend Title 222 WAC for continuing review and reanalysis of watershed analysis prescriptions.
2. Name of applicant:
Forest Practices Board
3. Address and phone number of applicant and contact person:
**Forest Practices Board
c/o Patricia Anderson, Rules Coordinator
Department of Natural Resources
1111 Washington Street SE
PO Box 47012
Olympia, WA 98504-7012 (360) 902-1413**
4. Date checklist prepared:
March 2011
5. Agency requesting checklist:
Forest Practices Board
6. Proposed timing or schedule (including phasing, if applicable):
The Forest Practices Board may consider rule adoption at its May 10, 2011 quarterly meeting. Rules adopted in May would become effective in June 2011.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
Yes; In anticipation of The Forest Practices Board's adoption of watershed analysis rules, the Department of Natural Resources (DNR) is preparing an update to Board Manual Section 11, Standard Methodology for Conducting Watershed Analysis, to describe the process for continuing review and reanalysis of prescriptions.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The Forest Practices Board (board) accepted proposed rule changes from the Forest Practices Adaptive Management Program's (AMP) Forests and Fish Policy Committee in November, 2010. The proposed rules were in response to a request from the board to review the watershed analysis prescription review process. The board's request to AMP was based on consensus recommendations from the board's Watershed Analysis Subcommittee submitted in February 2010. No specific environmental information on this proposal was produced by the Watershed Analysis Subcommittee or the AMP.

The adaptive management process is part of the board's "Forests and Fish rules" adopted pursuant to RCW 76.09.370, Forests and Fish Report. The board created and authorized the AMP in WAC 222-12-045 and authorized the process in Board Manual Section 22 to be used to determine the effectiveness of the forest practices rules and to make recommendations for changes to the board. AMP utilized the policy track described in Board Manual Section 22 in making its recommendation to the board. Information on the AMP can be found

at: http://www.dnr.wa.gov/BusinessPermits/Topics/FPAdaptiveManagementProgram/Pages/fp_am_program.aspx.

The most recent environmental information on the forest practices watershed analysis rules is found in the January 2006 environmental impact statement (EIS) for the Forest Practices Habitat Conservation Plan (FPHCP). This EIS was conducted under the National Environmental Policy Act and can be seen

at: http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp_hcp_feis.aspx

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No.

10. List any government approvals or permits that will be needed for your proposal, if known.

The Forest Practice Board adopts rules in Title 222 WAC.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

(Lead agency may modify this form to include additional specific information on project description.)

The board proposes to amend the rules in Title 222 WAC to address continuing review and reanalysis of watershed analysis prescriptions. The intent of this rule proposal is to assure that watershed analysis prescriptions are achieving their intended protection of public resources so that forest practices applications implementing watershed analysis prescriptions continue to warrant exemption from Class IV-special SEPA review.

In 2007 and 2009 significant storms in western Washington produced intense precipitation events coinciding with a large number of landslides in particular areas. Some of these landslides occurred on slopes within watersheds with approved mass wasting prescriptions. These storm events prompted concern by the board about the use and review of watershed analysis mass wasting prescriptions. The focus of the board's rule proposal is to implement new standards to keep all watershed analysis prescriptions current over time.

The board proposes changes to the forest practices rules that address SEPA review, classification and processing of applications, and watershed analysis reviews and reanalysis. Briefly, the proposed rule changes are as follows:

- Require DNR to review approved watershed analysis prescriptions every five years, or when a natural disaster occurs (e.g. significant storm event) or there is deterioration or no improvement in the condition of a particular resource. The purpose of the review is to determine which prescriptions, if any, need reanalysis.**
- Require DNR to notify the landowners in the watershed that reanalysis of the identified prescriptions is necessary.**
- Give landowners in the watershed the option to reanalyze the prescriptions identified by DNR. These landowners must singly or as a group own 10% or more of the nonfederal forest land in that watershed.**
- Require the reanalysis of mass wasting prescriptions to be conducted by qualified geotechnical experts, as that term is defined in the rules.**
- Authorize DNR to rescind from the approved watershed analysis, after SEPA review, those prescriptions that are not reanalyzed by the watershed landowners. The rescinded prescription will be replaced by standard forest practices rules (standard rules), including SEPA review.**
- Authorize DNR to classify and condition under standard rules the forest practices applications within the geographic area where the reanalysis process is occurring.**
- Require the expiration of all interim and draft prescriptions that are not completed within two years from the date the DNR determines the watershed analysis is ready for SEPA review.**

Please see the rule amendment and a more extensive description of the proposal in section D. Supplemental Sheet for Nonproject Actions.

12. Location of proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographical map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any applications related to this checklist.

This is not site-specific proposal. It is a nonproject rule proposal to amend Title 222 WAC.

The land affected is state managed and privately owned forest lands in Washington State subject to the forest practices rules (Title 222 WAC), specifically all nonfederal forest lands in watershed administrative units subject to forest practices watershed analysis rules.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountains, other.

This is not a site-specific proposal. Please see section D. Supplemental Sheet for Nonproject Actions, question 4.

- b. What is the steepest slope on the site (approximate percent slope)?

This is not a site-specific proposal .

- c. What general types of soils (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

This is not a site-specific proposal.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

This is not a site-specific proposal; not applicable.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

This is not a site-specific proposal; not applicable.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

This is not a site-specific proposal; not applicable.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

This is not a site-specific proposal; not applicable.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
This is not a site-specific proposal; not applicable.

2. Air

- a. What types of emissions to the air would result from this proposal (i.e. dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

This is not a site-specific proposal. Please see section D. Supplemental Sheet for Nonproject Actions, question 1.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

This is not a site-specific proposal; not applicable.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

This is not a site-specific proposal; not applicable.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

This is not a site-specific proposal. Please see section D. Supplemental Sheet for Nonproject Actions, questions 1 and 4.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

This is not a site-specific proposal; not applicable.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

Indicate the source of the fill material.

This is not a site-specific proposal; not applicable.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

This is not a site-specific proposal; not applicable.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

This is not a site-specific proposal. Please see section D. Supplemental Sheet for Nonproject Actions, question 4.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

This is not a site-specific proposal; not applicable.

b. Ground:

- 1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

This is not a site-specific proposal; not applicable.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the general size of the system, the number such systems, the number of houses to be served (if applicable), or the number animals or humans the system(s) are expected to serve. -

This is not a site-specific proposal; not applicable.

c. Water Runoff(including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities if known). Where will this water flow? Will this water flow into other waters? If so, describe.

This is not a site-specific proposal; not applicable. Please see section D.

Supplemental Sheet for Nonproject Actions, questions 1, 2, and 4.

- 2) Could waste material enter ground or surface waters? If so, generally describe.

This is not a site-specific proposal; not applicable.

- 3) Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

This is not a site-specific proposal; not applicable.

4. Plants

- a. Check or circle types of vegetation found on the site:

___deciduous tree: alder, maple, aspen, other

___evergreen tree: fir, cedar, pine, other

___shrubs

___grass

___pasture

- ___ crop or grain
- ___ wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- ___ water plants: water lily, eelgrass, milfoil, other
- ___ other types of vegetation

This is not a site-specific proposal; not applicable.

- b. What kind and amount of vegetation will be removed or altered?
This is not a site-specific proposal; not applicable.
- c. List threatened or endangered species known to be on or near the site.
This is not a site-specific proposal; not applicable.
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
This is not a site-specific proposal; not applicable.

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:
birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:
This is not a site-specific proposal; not applicable.

- b. List any threatened or endangered species known to be on or near the site.
This is not a site-specific proposal; not applicable.

- c. Is the site part of a migration route? If so, explain.
This is not a site-specific proposal; not applicable.

- d. Proposed measures to preserve or enhance wildlife, if any:
This is not a site-specific proposal. Please see section D. Supplemental Sheet for Nonproject Actions, questions 2 and 4.

6. Energy and Natural Resources

- a. What kinds of energy (electrical, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
Not applicable to this nonproject proposal.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
Not applicable to this nonproject proposal.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
Not applicable to this nonproject proposal.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.
Not applicable to this nonproject proposal. Please see section D. Supplemental Sheet for Nonproject Actions, question 1.

1) Describe any emergency services that might be required.
Not applicable to this nonproject proposal.

2) Propose measures to reduce or control environmental health hazards, if any:
Not applicable to this nonproject proposal.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
Not applicable to this nonproject proposal.

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
Not applicable to this nonproject proposal.

3) Proposed measures to reduce or control noise impacts, if any:
Not applicable to this nonproject proposal.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?
This is not a site-specific proposal. Please see section D. Supplemental Sheet for Nonproject Actions, question 5.

b. Has the site been used for agriculture? If so, describe.
Not applicable to this nonproject proposal.

c. Describe any structures on the site.
Not applicable to this nonproject proposal.

d. Will any structures be demolished? if so, what?
Not applicable to this nonproject proposal.

- e. What is the current zoning classification of the site?
Not applicable to this nonproject proposal.
 - f. What is the current comprehensive plan designation of the site?
Not applicable to this nonproject proposal.
 - g. If applicable, what is the current shoreline master program designation of the site?
Not applicable to this nonproject proposal.
 - h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
Not applicable to this nonproject proposal. Please see section D. Supplemental Sheet for Nonproject Actions, question number 4.
 - i. Approximately how many people would reside or work in the completed project?
Not applicable to this nonproject proposal.
 - j. Approximately how many people would the completed project displace?
Not applicable to this nonproject proposal.
 - k. Proposed measures to avoid or reduce displacement impacts, if any:
Not applicable to this nonproject proposal.
 - l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Not applicable to this nonproject proposal.
9. Housing
- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.
Not applicable to this nonproject proposal.
 - b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
Not applicable to this nonproject proposal.
 - c. Proposed measures to reduce or control housing impacts, if any:
Not applicable to this nonproject proposal.
10. Aesthetics
- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
Not applicable to this nonproject proposal.
 - b. What views in the immediate vicinity would be altered or obstructed?
Not applicable to this nonproject proposal.

- c. Proposed measures to reduce or control aesthetic impacts, if any:
Not applicable to this nonproject proposal.

11. Light and Glare

- a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?
Not applicable to this nonproject proposal.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
Not applicable to this nonproject proposal.
- c. What existing off-site sources of light or glare may affect your proposal?
Not applicable to this nonproject proposal.
- d. Proposed measures to reduce or control light and glare impacts, if any:
Not applicable to this nonproject proposal.

12. Recreation

- a. What designated and informal recreation opportunities are in the immediate vicinity?
Not applicable to this nonproject proposal.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
Not applicable to this nonproject proposal.
- c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:
Not applicable to this nonproject proposal.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
This is not a site-specific proposal. Please see section D. Supplemental Sheet for Nonproject Actions, question number 4.
- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site? If so, generally describe.
This is not a site-specific proposal; not applicable.
- c. Proposed measures to reduce or control impacts, if any:
This is not a site-specific proposal. Please see section D. Supplemental Sheet for Nonproject Actions, question number 4.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans if any.
Not applicable to this nonproject proposal.
- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
Not applicable to this nonproject proposal.
- c. How many parking spaces would the completed project have? How many would the project eliminate?
Not applicable to this nonproject proposal.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
Not applicable to this nonproject proposal.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
Not applicable to this nonproject proposal.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
Not applicable to this nonproject proposal.
- g. Proposed measures to reduce or control transportation impacts, if any:
Not applicable to this nonproject proposal.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
Not applicable to this nonproject proposal.
- b. Proposed measures to reduce or control direct impacts on public services, if any.
Not applicable to this nonproject proposal.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
Not applicable to this nonproject proposal.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
Not applicable to this nonproject proposal.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Alumzoteliy Signature: [Handwritten Signature]

Title: Policy Analyst Title: Assistant Division Mgr - Forest Practices

Date: 3/07/2010 Date: 3-7-11

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Do not use this sheet for project action)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

Description of Proposal

This rule proposal by the Forest Practices Board (board) is to clarify the forest practices rules pertaining to the watershed analysis process to specify when and how interim, draft, and approved watershed analysis prescriptions will be reviewed, reanalyzed, rescinded, or expire.

The Forest Practices Act and rules (chapter 76.09 RCW and Title 222 WAC) apply to state managed and privately owned forest lands in Washington State. The watershed analysis rules (chapter 222-22 WAC) are intended to address the cumulative effects of multiple forest practices activities within a given watershed. These cumulative effects rules became effective in 1992. The majority of watershed analyses were conducted and their prescriptions approved from 1993 through 1999. The fifty-two approved watershed analyses can be found

at: http://www.dnr.wa.gov/ResearchScience/Topics/WatershedAnalysis/Pages/fp_watershed_assessments.aspx .

In 2007 and 2009 significant storms in western Washington produced intense precipitation events coinciding with a large number of landslides in particular areas. Some of these landslides occurred on slopes within watersheds with approved watershed analysis mass wasting prescriptions. These storm events prompted concern by the board about the use and review of watershed analysis prescriptions.

The board's rule proposal is intended to ensure watershed analysis prescriptions continue to prevent, avoid, or minimize the potential for adverse effects from forest practices activities on resources to the greatest extent possible. This will ensure forest practices applications implementing prescriptions remain protective enough to warrant exemptions from Class IV-special SEPA review.

The board proposes changes to the forest practices rules that address SEPA review, classification and processing of applications, and watershed analysis. Briefly, the proposed rule changes are as follows:

- Require DNR to review approved watershed analysis prescriptions every five years, or when a natural disaster occurs (e.g. significant storm event) or there is deterioration or no improvement in the condition of a particular resource. The purpose of the review is to determine which prescriptions, if any, need reanalysis.
- Require DNR to notify the landowners in the watershed that reanalysis of the identified prescriptions is necessary.

- Give landowners in the watershed the option to reanalyze the prescriptions identified by DNR. These landowners must singly or as a group own 10% or more of the nonfederal forest land in that watershed.
- Require the reanalysis of mass wasting prescriptions to be conducted by qualified geotechnical experts, as that term is defined in the rules.
- Authorize DNR to rescind from the approved watershed analysis, after SEPA review, those prescriptions that are not reanalyzed by the watershed landowners. The rescinded prescription will be replaced by standard forest practices rules (standard rules), including SEPA review.
- Authorize DNR to classify and condition under standard rules the forest practices applications within the geographic area where the reanalysis process is occurring.
- Require the expiration of all interim and draft prescriptions that are not completed within two years from the date the DNR determines the watershed analysis is ready for SEPA review.

This proposal is a result of a recommendation to the board in November 2010 from the Adaptive Management Program's (AMP) Forests and Fish Policy Committee (Policy). Policy was responding to the board's request for AMP recommendations regarding implementation of consensus recommendations in February 2010 from the board's Watershed Analysis Subcommittee. The Watershed Analysis Subcommittee's recommendation focused on mass wasting prescriptions.

Link to the AMP recommendation to the board
at: http://www.dnr.wa.gov/Publications/bc_fp_materials_all_20100210.pdf

and to the Watershed Analysis Subcommittee's meeting minutes and materials
at: http://www.dnr.wa.gov/BusinessPermits/Topics/OtherInteragencyInformation/Pages/bc_wsa_agendas_minutes.aspx.

Forest practices applications in areas affected by watershed analysis prescriptions will continue to be approved /conditioned/disapproved by DNR under the board's current watershed analysis rules until new rules are adopted by the board.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? Proposed measures to avoid or reduce such increases are:

This nonproject proposal will not change emission to air; production, storage, or release of toxic or hazardous substances; or production of noise.

The proposal is unlikely to increase discharge of sediment or debris to water from forest practices activities. Rather, the proposal will decrease the potential for discharge of sediment and/or debris to water because it adds the following steps to the watershed analysis process:

- Review the changes in watershed conditions over time.
Reviews of prescriptions present the opportunity to identify previously approved prescriptions that may no longer adequately prevent, avoid, or minimize the potential for delivery of coarse and/or fine sediment or debris to water. Each DNR

review of prescriptions will take into account changes in the watershed since the previous review and reanalysis, and will identify those prescriptions that need to be reanalyzed. Reanalysis will determine if prescriptions need to be modified to more effectively prevent, avoid, or minimize the potential for forest practices activities to result in delivery of coarse and/or fine sediment or debris to typed waters.

- Incorporate new research and technologies.

Our scientific understanding and methods of detecting potentially unstable slopes and landforms have developed since most of the mass wasting and surface erosion prescriptions were approved. These new tools, including LiDAR (light detection and radar) will enable the review and reanalysis processes to better identify previously unrecognized unstable areas and more effectively design prescriptions to prevent, avoid, or minimize delivery of coarse and/or fine sediment or debris to water.

Additionally, the proposal authorizes DNR to:

- require forest practices applications to follow standard rules when the application is in the geographic area of an active reanalysis, and
- rescind watershed analysis prescriptions that are not reanalyzed, and in their place require standard rules.

The vast majority of the existing prescriptions were approved prior to the 2001 standard rules, commonly referred to as the Forests and Fish rules. The Forests and Fish rules for potentially unstable slopes and landforms, as well as for road construction and maintenance, were based on knowledge gained through conducting watershed analyses. Therefore, giving DNR the authority to require standard rules during reanalysis and the ability to rescind mass wasting and surface erosion prescriptions in favor of standard rules is likely to decrease the potential for delivery of coarse and/or fine sediments and debris to water.

In the case of mass wasting prescriptions, the standard rules require applications to include a geotechnical report prepared by a qualified expert and undergo SEPA review. This report must (1) describe the potentially unstable landforms in and around the application site, (2) analyze the likelihood that the proposed forest practices will cause delivery to a public resource or threaten public safety, and (3) provide mitigation for the possible identified risks. DNR may determine the application requires a determination of significance and an environmental impact statement prior to DNR's final decision to approve, condition or disapprove. the application.

2. How would the proposal be likely to affect plants, animals, fish or marine life? Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The proposal is unlikely to adversely affect the vegetation, animals, and aquatic species (watershed resources) protected under the Forest Practices Act and rules, chapter 76.09 RCW and Title 222 WAC respectively. This is because the proposal incorporates the following processes so forest practices applications implementing watershed analysis prescriptions have the least potential to adversely impact to these watershed resources:

- Ongoing review and reanalysis of approved watershed analysis prescriptions.
The review process will take into account changes in the watershed since the previous review and utilize new research and technology to identify those prescriptions that need to be reanalyzed. The reanalysis process will redesign those prescriptions that need to more effectively prevent, avoid, or minimize the potential for forest practices activities to adversely affect these watershed resources.
- Expiration of interim and draft prescriptions that do not undergo SEPA review.
Currently, forest practices applications are required to be conditioned according to interim, draft , or final prescriptions, no matter how old the prescription is (WAC 222-22-090 (2)). The proposal would require automatic expiration of interim and draft prescriptions if the prescription is not SEPA reviewed within two years of the date DNR determines the watershed analysis report is ready for SEPA review. Automatic expiration will 1) cull old interim and draft prescriptions, 2) keep new interim and draft prescriptions from languishing, and 3) allow standard rules to be applied to the areas of the watershed previously addressed by the prescriptions. Most of these interim and draft prescriptions were written prior to the current standard rules, which are based on knowledge gained over the years from conducting watershed analyses.
- Rescission of approved prescriptions as deemed necessary by DNR.
The proposal will allow DNR to rescind those prescriptions it has identified as needing a reanalysis if the landowners in the watershed choose not to conduct the reanalysis. This will result in standard rules being applied to forest practices applications in the areas of the watershed formerly addressed by the prescriptions. Many of these approved prescriptions were written prior to the current standard rules, which are based on knowledge gained over the years conducting watershed analyses.
- DNR authority to classify, require SEPA review of, and condition forest practices applications during reanalysis of prescriptions.
SEPA review and potential conditioning of applications that apply to the geographic area under reanalysis will ensure that these watershed resources are protected from potentially adverse risks, including risks unknown at the time the prescription was written, until the prescription is deemed still appropriate, redesigned to better protect these resources, or rescinded.

3. How would the proposal be likely to deplete energy or natural resources?

This nonproject proposal has no effect on energy resources.

The proposal is unlikely to adversely affect natural resources because it will provide more certainty that the resource protection provided by watershed analysis prescriptions is regularly reviewed and, when necessary, modified to more accurately address changing watershed conditions over time based on new research and technologies.

4. How would the proposal be likely to use or effect environmentally sensitive areas or areas designed (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened and endangered species habitat, historic or cultural sites, wetlands, flood plains, or prime farmlands? Proposed measures to protect such resources or to avoid or reduce impacts are:

Since the Forest Practices Act and rules apply to state managed and privately owned forest lands in Washington State, there will be no direct impact from this proposal on wilderness or other lands managed by the federal government.

The proposal modifies the forest practices rules that pertain to watershed analysis. Watershed analysis is a biological and physical assessment of a watershed designed to address the cumulative impacts of forest practices on these forest lands. The current watershed analysis process assesses a watershed for mass wasting, surface erosion, hydrology, riparian function, stream channel, fish habitat, water supply and public works, and cultural resources. Together, these assessments identify areas of resource sensitivity (ARS) for which prescriptions are written. For example, a mass wasting area that has a potential to deliver to a stream channel with degraded fish habitat becomes an ARS. Prescriptions for ARS must be designed to prevent, avoid, or minimize the potential for adverse effects on the resources (e.g. fish habitat) from forest practices activities so the resource is protected and allowed to recover. The watershed analysis report, including prescriptions, is reviewed under SEPA prior to approval by the DNR.

In the current rules, watershed analyses are to be revised in whole or in part upon the earliest occurrence of the following: five years after the approval of the watershed analysis, after a natural disaster adversely affecting a resource assessed in the watershed analysis process, or deterioration or no improvement in a specific resource. Forest practices applications are conditioned under the current prescriptions pending the outcome of the review.

The proposal specifies that DNR review prescriptions every five years, not just one five year review after approval of the watershed analysis. This continual review process will identify prescriptions that need to be reanalyzed to ensure they address changes in the watershed since the prescription was written and last reviewed. Reanalysis of these prescriptions will lead to improved prescriptions over time with a greater potential to protect riparian habitat, fish habitat, wetlands, cultural resources, and floodplains from adverse impacts from forest practices activities in the watershed.

Using the example of mass wasting prescriptions, research and new technology (such as LiDAR) has advanced since most of these prescriptions were approved. The proposal will ensure review of these prescriptions will be conducted using current scientific knowledge and technologies; and requires reanalysis of mass wasting prescriptions to be conducted by a qualified geotechnical expert, as defined in WAC 222-10-035. Using up-to-date scientific and technical knowledge on an ongoing basis will enhance identification of potentially unstable slopes and landforms and lead to prescriptions that are better designed to protect riparian areas, wetlands, fish habitat,

cultural resources, and floods plains from mass wasting events that could be caused by forest practices in the watershed.

Under the current rules, forest practices applications are required to be conditioned according to interim, draft, and approved prescriptions, as these prescriptions become available through the watershed analysis process. These applications are exempt from SEPA review for the issue addressed by the prescription and DNR has very limited authority to condition the application to further protect resources. The current rules do not address expiration and rescission of these prescriptions. The board's proposal gives DNR authority during a prescription reanalysis, and when a prescription expires or is rescinded, to classify applications within the area addressed by the prescription as Class IV-special and require SEPA review. Since many of these watershed analysis prescriptions were written a decade or more ago and have not been reviewed in light of new technology or changes in the watershed, there is little risk to riparian areas, wetlands, fish habitat, cultural resources, and floods plains from not continuing to implement prescriptions needing reanalysis.

This proposal does not modify the Board's list of critical habitat for threatened and endangered species and the protections afforded to those species under the forest practices rules (WAC 222-16-080). The proposal also does not modify existing laws or rules providing protection of archaeological, historic, or cultural sites or resources. Any inadvertent discovery of cultural resources during prescription reviews and reanalysis would be addressed by the current laws and rules.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? Proposed measures to avoid or reduce shoreline and land use impacts are:

The proposal does not affect shoreline use so it is not incompatible with existing shoreline master plans.

The proposal affects forest land use under the forest practices rules to the extent that reanalysis of prescriptions will result in more effective prescriptions to decrease the potential impact from mass wasting failures. Additionally, it may result in a greater area of the watershed being impacted by the prescriptions, i.e. application of existing prescriptions to a larger area of the watershed.

None of these effects will allow or encourage land use that is incompatible with local governmental land use plans.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This nonproject rule proposal does not apply to transportation or public services or utilities.

Proposed measures to reduce or respond to such demand(s) are:

None, not applicable.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This nonproject rule proposal does not conflict with local, state, or federal laws or requirements for the protection of the environment. It is not in conflict with the Forest Practices Habitat Conservation Plan (FPHCP) for the following reasons:

- The aquatic resource protections required by the FPHCP are not changed by this proposal.
- The proposal is based on a recommendation resulting from the adaptive management process recognized in the FPHCP as an integral part of the forest practices rules.
- The proposal provides additional guarantees, through a review and reanalysis process, that approved watershed analysis prescriptions remain effective over time.
- The FPHCP recognizes that forest practices applications consistent with a landowner's HCP are exempt from the watershed analysis rules (chapter 222-22 WAC), per WAC 222-12-041 and 222-16-051.

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WAC 222-10-030 *SEPA policies for potentially unstable slopes and landforms. In addition to SEPA policies established elsewhere in this chapter, the following policies apply to forest practices described in WAC 222-16-050 (1)(d) relating to construction or harvest on potentially unstable slopes or landforms.

(1) In order to determine whether such forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit the following additional information, prepared by a qualified expert as defined in subsection (5) of this section. The qualified expert must describe the potentially unstable landforms in and around the application site and analyze:

(a) The likelihood that the proposed forest practices will cause movement on the potentially unstable slopes or landforms, or contribute to further movement of a potentially unstable slope or landform;

(b) The likelihood of delivery of sediment or debris to any public resources, or in a manner that would threaten public safety; and

(c) Any possible mitigation for the identified hazards and risks.

(2) The department's threshold determination will include an evaluation of whether the proposed forest practices:

(a) Are likely to increase the probability of a mass movement on or near the site;

(b) Would deliver sediment or debris to a public resource or would deliver sediment or debris in a manner that would threaten public safety; and

(c) Such movement and delivery are likely to cause significant adverse impacts.

If the department determines that (a), (b) and (c) of this subsection are likely to occur, then the forest practice is likely to have a probable significant adverse impact.

(3) The department will evaluate the proposal, using appropriate expertise and in consultation with other affected agencies and Indian tribes.

(4) Specific mitigation measures or conditions must be designed to avoid accelerating rates and magnitudes of mass wasting that could deliver sediment or debris to a public resource or could deliver sediment or debris in a manner that would threaten public safety.

(5) Qualified expert for the purposes of this section and for reanalysis of watershed analysis mass wasting prescriptions under WAC 222-22-030 means a person licensed under chapter 18.220 RCW as either an engineering geologist or as a hydrogeologist (if the site warrants hydrologist expertise), with at least 3-three years of field experience in the evaluation of relevant problems in forested lands.

WAC 222-10-035 *Watershed analysis SEPA policies. When the department considers a watershed analysis for approval as in under WAC 222-22-080 or 222-22-090, the department will perform a review under SEPA as a nonproject proposal. When making the SEPA threshold determination ~~for a watershed analysis~~, the department shall only make a determination of significance if, when compared to rules or prescriptions in place at the time of the analysis or the 5-year review reanalysis, the prescriptions will cause a probable significant adverse impact on elements of the environment other than those addressed in the watershed analysis process.

1 **WAC 222-10-125 Exemption from RCW 43.21C.030 (2)(c).** Decisions pertaining to the following
2 are not subject to any procedural requirements implementing RCW 43.21C.030 (2)(c): Approval of
3 forest road maintenance and abandonment plans, approval of future timber harvest schedules involving
4 east-side clear cuts, acquisitions of conservation easements pertaining to forest lands in the riparian rivers
5 and habitat open space program; and acquisitions of conservation easements pertaining to forest lands in
6 riparian zones under the forest riparian easement program.

7
8
9 **WAC 222-16-010 *General definitions.**

10 ...
11 **"Area of resource sensitivity"** means areas identified in accordance with WAC 222-22-050 (2)(d) ~~or~~
12 222-22-060(2), or 222-22-090.

13 ...
14 **"Watershed administrative unit (WAU)"** means an area shown on the map specified in WAC
15 222-22-020(1).

16 **"Watershed analysis"** means, for a given WAU, the resource assessment completed under WAC
17 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall
18 include resource assessments completed under WAC 222-22-050 where there are no areas of resource
19 sensitivity and the ongoing reviews and reanalyses completed under WAC 222-22-090.

20
21 **WAC 222-16-050 *Classes of forest practices.** There are 4-four classes of forest practices created by
22 the act. All forest practices (including those in Classes I and II) must be conducted in accordance with
23 the forest practices rules.

24 (1) **"Class IV - special."** Except as provided in WAC 222-16-051, application to conduct forest
25 practices involving the following circumstances requires an environmental checklist in compliance with
26 the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have
27 potential for a substantial impact on the environment. It may be determined that additional information
28 or a detailed environmental statement is required before these forest practices may be conducted.

29 *(a) Aerial application of pesticides in a manner identified as having the potential for a substantial
30 impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A
31 or B wetland.

32 (b) Specific forest practices listed in WAC 222-16-080 on lands designated as critical habitat
33 (state) of threatened or endangered species.

34 (c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands
35 within the boundaries of any national park, state park, or any park of a local governmental entity, except
36 harvest of less than five MBF within any developed park recreation area and park managed salvage of
37 merchantable forest products.

38 *(d) Timber harvest, or construction of roads, landings, gravel pits, rock quarries, or spoil disposal
39 areas, on potentially unstable slopes or landforms described in (i) below that has the potential to deliver
40 sediment or debris to a public resource or that has the potential to threaten public safety, and which has
41 been field verified by the department (see WAC 222-10-030 SEPA policies for potential unstable slopes
42 and landforms).

43 (i) For the purpose of this rule, potentially unstable slopes or landforms are one of the following:
44 (See board manual section 16 for more descriptive definitions.)

45 (A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than thirty-five
46 degrees (seventy percent);

1 (B) Toes of deep-seated landslides, with slopes steeper than thirty-three degrees (sixty-five
2 percent);

3 (C) Ground water recharge areas for glacial deep-seated landslides;

4 (D) Outer edges of meander bends along valley walls or high terraces of an unconfined
5 meandering stream; or

6 (E) Any areas containing features indicating the presence of potential slope instability which
7 cumulatively indicate the presence of unstable slopes.

8 (ii) The department will base its classification of the application or notification on professional
9 knowledge of the area, information such as soils, geologic or hazard zonation maps and reports, review of
10 approved watershed analysis mass wasting prescriptions pursuant to WAC 222-22-090 (6) or other
11 information provided by the applicant.

12 (iii) An application would not be classified as Class IV-Special for potentially unstable slopes or
13 landforms under this subsection if:

14 (A) The proposed forest practice is located within a WAU that is subject to an approved watershed
15 analysis;

16 (B) The forest practices are to be conducted in accordance with an approved prescriptions from the
17 watershed analysis ~~(or as modified through the five-year review process); and~~

18 (C) The applicable prescriptions is are specific to the site or situation, as opposed to a prescription that
19 calls for additional analysis. The need for an expert to determine whether the site contains specific
20 landforms will not be considered "additional analysis," as long as specific prescriptions are established for
21 such landforms.

22 *(e) Timber harvest, in a watershed administrative unit not subject to an approved watershed
23 analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow
24 pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in
25 consultation with department of transportation and local government, as high avalanche hazard where
26 there is the potential to deliver sediment or debris to a public resource, or the potential to threaten public
27 safety.

28 (f) Timber harvest or construction of roads, landings, rock quarries, gravel pits, borrow pits, and
29 spoil disposal areas on the following except in (f)(iv) of this subsection:

30 (i) Archaeological sites or historic archaeological resources as defined in RCW 27.53.030; or

31 (ii) Historic sites eligible for listing on the National Register of Historic Places or the Washington
32 Heritage Register as determined by the Washington state department of archaeology and historic
33 preservation; or

34 (iii) Sites containing evidence of Native American cairns, graves, or glyptic records as provided
35 for in chapters 27.44 and 27.53 RCW. The department of archaeology and historic preservation shall
36 consult with affected Indian tribes in identifying such sites.

37 (iv) A forest practice would not be classified as Class IV-special under this subsection if:

38 (A) Cultural resources management strategies from an approved watershed analysis conducted
39 under chapter 222-22 WAC are part of the proposed forest practices, and the landowner states this in the
40 application; or

41 (B) A management plan agreed to by the landowner, the affected Indian tribe, and the department
42 of archaeology and historic preservation is part of the proposed application, and the landowner states this
43 in the application.

44 *(g) Forest practices subject to an approved watershed analysis conducted under chapter 222-22
45 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions
46 (which may include an alternate plan) ~~in the watershed analysis.~~

1 *(h) Filling or draining of more than 0.5 acre of a wetland.

2 (2) "**Class IV - general.**" Applications involving the following circumstances are "Class
3 IV - general" forest practices unless they are listed in "Class IV - special."

4 (a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, as provided
5 in chapter 58.17 RCW;

6 (b) Forest practices (other than those in Class I) on lands that have been or are being converted to
7 another use;

8 (c) Forest practices which would otherwise be Class III, but which are taking place on lands which
9 are not to be reforested because of likelihood of future conversion to urban development (see WAC
10 222-16-060 and 222-34-050); or

11 (d) Forest practices involving timber harvesting or road construction on lands that are contained
12 within urban growth areas, designated pursuant to chapter 36.70A RCW, except where the forest
13 landowner provides one of the following:

14 (i) A written statement of intent signed by the forest landowner not to convert to a use other than
15 commercial forest products operations for ten years accompanied by either a written forest management
16 plan acceptable to the department or documentation that the land is enrolled under the provisions of
17 chapter 84.33 RCW; or

18 (ii) A conversion option harvest plan approved by the local governmental entity and submitted to
19 the department as part of the application.

20 Upon receipt of an application, the department will determine the lead agency for purposes of
21 compliance with the SEPA pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2).
22 Such applications are subject to a thirty-day period for approval unless the lead agency determines a
23 detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines
24 the application is for a proposal that will require a license from a county/city acting under the powers
25 enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC
26 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is
27 the lead agency for purposes of compliance with the SEPA.

28 (3) "**Class I.**" Those operations that have been determined to have no direct potential for
29 damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - special"
30 are not present, these operations may be commenced without notification or application.

31 (a) Culture and harvest of Christmas trees and seedlings.

32 *(b) Road maintenance except: Replacement of bridges and culverts across Type S, F or flowing
33 Type Np Waters; or movement of material that has a direct potential for entering Type S, F or flowing
34 Type Np Waters or Type A or B Wetlands.

35 *(c) Construction of landings less than one acre in size, if not within a shoreline area of a Type S
36 Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a
37 wetland management zone, a wetland, or the CRGNSA special management area.

38 *(d) Construction of less than six hundred feet of road on a sideslope of forty percent or less if the
39 limits of construction are not within the shoreline area of a Type S Water, the riparian management zone
40 of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the
41 CRGNSA special management area.

42 *(e) Installation or removal of a portable water crossing structure where such installation does not
43 take place within the shoreline area of a Type S Water and does not involve disturbance of the beds or
44 banks of any waters.

45 *(f) Initial installation and replacement of relief culverts and other drainage control facilities not
46 requiring a hydraulic permit.

- 1 (g) Rocking an existing road.
- 2 (h) Loading and hauling timber from landings or decks.
- 3 (i) Precommercial thinning and pruning, if not within the CRGNSA special management area.
- 4 (j) Tree planting and seeding.
- 5 (k) Cutting and/or removal of less than five thousand board feet of timber (including live, dead and
- 6 down material) for personal use (i.e., firewood, fence posts, etc.) in any twelve-month period, if not within
- 7 the CRGNSA special management area.
- 8 (l) Emergency fire control and suppression.
- 9 (m) Slash burning pursuant to a burning permit (RCW 76.04.205).
- 10 *(n) Other slash control and site preparation not involving either off-road use of tractors on slopes
- 11 exceeding forty percent or off-road use of tractors within the shorelines of a Type S Water, the riparian
- 12 management zone of any Type F Water, or the bankfull width of a Type Np Water, a wetland management
- 13 zone, a wetland, or the CRGNSA special management area.
- 14 *(o) Ground application of chemicals, if not within the CRGNSA special management area. (See
- 15 WAC 222-38-020 and 222-38-030.)
- 16 *(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA special
- 17 management area when applied to not more than forty contiguous acres if the application is part of a
- 18 combined or cooperative project with another landowner and where the application does not take place
- 19 within one hundred feet of lands used for farming, or within two hundred feet of a residence, unless such
- 20 farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.
- 21 (q) Forestry research studies and evaluation tests by an established research organization.
- 22 *(r) Any of the following if none of the operation or limits of construction takes place within the
- 23 shoreline area of a Type S Water or the riparian management zone of a Type F Water, the bankfull width
- 24 of a Type Np Water or flowing Type Ns Water, or within the CRGNSA special management area and the
- 25 operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater
- 26 than forty percent:
- 27 (i) Any forest practices within the boundaries of existing golf courses.
- 28 (ii) Any forest practices within the boundaries of existing cemeteries which are approved by the
- 29 cemetery board.
- 30 (iii) Any forest practices involving a single landowner where contiguous ownership is less than
- 31 two acres in size.
- 32 (s) Removal of beaver structures from culverts on forest roads. A hydraulics project approval
- 33 from the Washington department of fish and wildlife may be required.
- 34 (4) "**Class II.**" Certain forest practices have been determined to have a less than ordinary
- 35 potential to damage a public resource and may be conducted as Class II forest practices: Provided, That
- 36 no forest practice enumerated below may be conducted as a Class II forest practice if the operation
- 37 requires a hydraulic project approval (RCW 77.55.100) or is within a "shorelines of the state," or involves
- 38 owner of perpetual timber rights subject to RCW 76.09.067 (other than renewals). Such forest practices
- 39 require an application. No forest practice enumerated below may be conducted as a "Class II" forest
- 40 practice if it takes place on lands platted after January 1, 1960, as provided in chapter 58.17 RCW, or on
- 41 lands that have been or are being converted to another use. No forest practice enumerated below
- 42 involving timber harvest or road construction may be conducted as a "Class II" if it takes place within
- 43 urban growth areas designated pursuant to chapter 37.70A RCW. Such forest practices require a Class
- 44 IV application. Class II forest practices are the following:
- 45 (a) Renewal of a prior Class II notification where no change in the nature and extent of the forest
- 46 practices is required under rules effective at the time of renewal.

- (b) Renewal of a previously approved Class III or IV forest practices application where:
- (i) No modification of the uncompleted operation is proposed;
 - (ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; ~~and~~
 - (iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal; ~~and~~
 - (iv) ~~Renewal of a previously approved multiyear permit for forest practices within a WAU with an approved watershed analysis requires completion of a necessary five-year review of the watershed analysis. If the renewal is for a multiyear permit and the area of that permit is not located within an area subject to watershed reanalysis under WAC 222-22-090 (6).~~

*(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

- (i) Construction of advance fire trails.
- (ii) Opening a new pit of, or extending an existing pit by, less than one acre.

*(d) Salvage of logging residue if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than forty percent.

*(e) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than forty percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

- (i) West of the Cascade summit, partial cutting of forty percent or less of the live timber volume.
- (ii) East of the Cascade summit, partial cutting of five thousand board feet per acre or less.
- (iii) Salvage of dead, down, or dying timber if less than forty percent of the total timber volume is removed in any twelve-month period.
- (iv) Any harvest on less than forty acres.
- (v) Construction of six hundred or more feet of road, provided that the department shall be notified at least two business days before commencement of the construction.

(5) "**Class III.**" Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

- (a) Those requiring hydraulic project approval (RCW 77.55.100).
- *(b) Those within the shorelines of the state other than those in a Class I forest practice.
- *(c) Aerial application of insecticides, except where classified as a Class IV forest practice.
- *(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.
- *(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.
- *(f) All road construction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over ~~1~~one acre.

*(h) Road maintenance involving:

- (i) Replacement of bridges or culverts across Type S, F or flowing Type Np Waters; or
- (ii) Movement of material that has a direct potential for entering Type S, F or flowing Type Np

Waters or Type A or B Wetlands.

- 1 (i) Operations involving owner of perpetual timber rights subject to RCW 76.09.067.
- 2 (j) Site preparation or slash abatement not listed in Classes I or IV forest practices.
- 3 (k) Harvesting, road construction, site preparation or aerial application of pesticides on lands
- 4 which contain cultural, historic or archaeological resources which, at the time the application or
- 5 notification is filed, have been identified to the department as being of interest to an affected Indian tribe.
- 6 (l) Harvesting exceeding nineteen acres in a designated difficult regeneration area.
- 7 (m) Utilization of an alternate plan. See WAC 222-12-040.
- 8 *(n) Any filling of wetlands, except where classified as Class IV forest practices.
- 9 *(o) Multiyear permits.
- 10 *(p) Small forest landowner long-term applications that are not classified Class IV-special or Class
- 11 IV-general, or renewals of previously approved Class III or IV long-term applications.

12
13
14 **WAC 222-20-080 Application and notification expiration.** (1) The approval given by the department
15 to an application to conduct a forest practice shall be effective for a term of two years from the date of
16 approval, with the following exceptions:

17 (a) Multiyear permits are effective for three to five years. A multiyear permit for lands included
18 in a watershed analysis pursuant to chapter 222-22 WAC is not renewable if a ~~five-year~~ watershed
19 ~~analysis-reanalysis review~~ is found necessary by the department and has not been completed and
20 approved, or the department has rescinded the prescriptions that would have applied to the permit.

21 (b) Small forest landowner long-term applications are effective for terms of three to fifteen years.

22 (2) A notification is effective for a term of two years beginning five days from the date it is
23 officially received.

24
25
26 **WAC 222-22-020 Watershed administrative units.** *(1) For purposes of this chapter, the state is
27 divided into areas known as watershed administrative units (WAUs). The department shall, in
28 cooperation with the departments of ecology, fish and wildlife, affected Indian tribes, local ~~government-~~
29 ~~governmental~~ entities, forest ~~land-owner~~~~landowners~~, and the public, define WAUs throughout the state.
30 The department shall identify WAUs on a map.

31 *(2) WAUs should generally be between ~~10,000~~~~ten thousand~~ to ~~50,000~~~~fifty thousand~~ acres in size
32 and should be discrete hydrologic units. The board recognizes, however, that identified watershed
33 processes and potential effects on resource characteristics differ, and require different spatial scales of
34 analysis, and the department's determination of the WAUs should recognize these differences. The board
35 further recognizes that mixed land uses will affect the ability of a watershed analysis to predict
36 probabilities and identify causation as required under this chapter, and the department's conduct and
37 approval of a watershed analysis under this chapter shall take this effect into account.

38 *(3) The department is directed to conduct periodic reviews of the WAUs adopted under this
39 chapter to determine whether revisions are needed to more efficiently assess potential cumulative effects.
40 The department shall consult with the departments of ecology, ~~-~~ and fish and wildlife, affected Indian
41 tribes, forest ~~land-owner~~~~landowners~~, local ~~government-~~~~governmental~~ entities, and the public. From time
42 to time and as appropriate, the department shall make recommendations to the board regarding revision of
43 watershed administrative units.

1
2 **WAC 222-22-030 Qualification of watershed resource analysts, specialists, ~~and~~ field managers, and qualified experts.** *(1) The department shall set the minimum qualifications for analysts
3 and qualified experts. *(1) The department shall set the minimum qualifications for analysts
4 participating in level 1 assessments conducted under WAC 222-22-050, for specialists participating in
5 level 2 assessments conducted under WAC 222-22-060, ~~and~~ for field managers participating in
6 recommendation of prescriptions under WAC 222-22-070, and for analyst, specialists, and field managers
7 participating in reanalysis under WAC 222-22-090. The minimum qualifications shall be specific for
8 the disciplines needed to participate in level 1 and level 2 assessments and in the recommendations of
9 prescriptions, and shall include, at a minimum, formal education in the relevant discipline and field
10 experience. Minimum qualifications for analysts participating in level 2 assessments should typically
11 include a graduate degree in the relevant discipline. A reanalysis of mass wasting prescriptions under
12 WAC 222-22-090 requires a qualified expert as defined in WAC 222-10-030.

13 *(2) The department shall coordinate with relevant state and federal agencies, affected Indian
14 tribes, forest ~~land owner~~landowners, local ~~government~~governmental entities, and the public to seek and
15 utilize available qualified expertise to participate in watershed analysis or reanalysis.

16 *(3) Qualified analysts, specialists, ~~and~~ field managers, and qualified experts shall, while and only
17 for the purpose of conducting a watershed analysis or monitoring in a WAU, be duly authorized
18 representatives of the department for the purposes of RCW 76.09.150.

19 *(4) An individual may qualify in more than one science or management skill. Qualification
20 under subsection (1) of this section shall be effective for ~~5~~five years. When a qualification expires, a
21 person requesting requalification shall meet the criteria in effect at the time of requalification.

22 *(5) The department shall provide and coordinate training for, maintain a register of, and monitor
23 the performance of qualified analysts, specialists, ~~and~~ field managers, and qualified experts by region.
24 The department shall disqualify analysts, specialists, ~~and~~ field managers, and qualified experts who fail to
25 meet the levels of performance required by the qualification standards.
26
27

28 **WAC 222-22-040 Watershed prioritization.** (1) The department shall ~~determine, by region, the order~~
29 ~~in which it will analyze~~prioritize WAUs for the purposes of this section and for reviews under WAC
30 222-22-090 in cooperation. ~~The department shall cooperate~~ with the departments of ecology, ~~and~~ fish
31 and wildlife, affected Indian tribes, forest ~~land owner~~landowners, and the public ~~in setting priorities.~~ ~~In~~
32 ~~setting priorities or reprioritizing WAUs, the department~~The prioritization shall consider the availability
33 of landowner participation and assistance and the availability and assistance that may be provided by
34 affected Indian tribes and local ~~government~~governmental entities.

35 *(2) ~~Except as set forth in subsection (3) of this section, the~~The department ~~shall~~may undertake a
36 watershed analysis on ~~each any~~ WAU, ~~in the order established under subsection (1) of this section.~~ When
37 conducting a watershed analysis, the department shall include available, qualified expertise from state
38 agencies, affected Indian tribes, forest landowners, local governmental entities, and the public.

39 *(3) The owner or owners of ten percent or more of the nonfederal forest land acreage in a WAU
40 may notify the department in writing that the owner or owners intend to conduct a level 1 assessment,
41 level 2 assessment, or both, and the prescription recommendation process on the WAU under this chapter,
42 or conduct a reanalysis under WAC 222-22-090, at their own expense. The notice shall identify the
43 teams proposed to conduct the watershed analysis or reanalysis, which shall be comprised of individuals
44 qualified by the department pursuant to WAC 222-22-030. The department shall promptly notify any
45 owner or owners sending notice under this subsection if any member of the designated teams is not so
46 qualified. Within ~~30~~thirty days of delivering a notice to the department under this subsection, the forest

1 | ~~land-owner~~landowner or owners shall begin the level 1 assessment under WAC 222-22-050 or, at its
2 | option, the level 2 assessment under WAC 222-22-060, or the reanalysis under WAC 222-22-090. An
3 | approved forest ~~land-owner~~landowner team shall, while and only for the purposes of conducting a
4 | watershed analysis or reanalysis in a WAU, be a duly authorized representative of the department for the
5 | purposes of RCW 76.09.150. The board encourages forest ~~land-owner~~landowners conducting
6 | assessments under this chapter to include available, qualified expertise from state and federal agencies,
7 | affected Indian tribes, forest ~~land-owner~~landowners, local ~~government-governmental~~ entities, and the
8 | public.

9 | *(4) Before beginning ~~an a watershed~~ analysis in a WAU, the department or the forest ~~land-~~
10 | ~~owner~~landowner conducting the analysis shall provide reasonable notice, including notice by regular
11 | United States mail where names and addresses have been provided to the department, to all forest ~~land-~~
12 | ~~owner~~landowners in the WAU, and to affected Indian tribes. The department or the forest ~~land-~~
13 | ~~owner~~landowner conducting the analysis shall provide reasonable notice to the public and to state, federal,
14 | and local ~~government-governmental~~ entities, by, among other things, posting the notice conspicuously in
15 | the ~~department's office-of-the-departmental-~~ in the region containing the WAU. The notice shall be in a
16 | form designated by the department and give notice that an analysis or reanalysis is being conducted, by
17 | whose team, the time period of the analysis or reanalysis, and the dates and locations in which the draft
18 | analysis or reanalysis will be available for review and comment.

19 |
20 | **WAC 222-22-045 Cultural resources.** (1) Any watershed analysis initiated after July 1, 2005, is not
21 | complete unless the analysis includes a completed cultural resource module. Cultural resources module
22 | completeness is detailed in Appendix II of the module and includes affected tribe(s) participation,
23 | appropriate team qualification, required maps and forms, assessment of tribal and nontribal cultural
24 | resources, peer review of assessment, management strategies based on causal mechanism reports from
25 | synthesis, and agreement on the management strategies by affected tribes, landowners and land managers
26 | on the field managers team and, where applicable, the department of archaeology and historic
27 | preservation.

28 | (2) When conducting a watershed ~~analysis-reanalysis revisions~~ pursuant to WAC 222-22-090~~(4)~~,
29 | the cultural resources module is not required if the watershed analysis was approved by the department
30 | prior to the date in subsection (1) of this section. However, the board encourages use of the cultural
31 | resources module upon such review.

32 | (3) The department does not review or approve cultural resources management strategies because
33 | their implementation is voluntary. The department of archaeology and historic preservation must be
34 | consulted and agree on all management strategies involving sites registered on the department of
35 | archaeology and historic preservation's archaeological and historic sites data base and all resources that
36 | require mandatory protection under chapters 27.44 and 27.53 RCW.

37 | (4) The cultural resources module may be conducted as a stand-alone method separate from a
38 | watershed analysis to identify, protect, and manage cultural resources. When used as a stand-alone
39 | methodology:

40 | (a) Selected components of the methodology may be used as the participants deem necessary or the
41 | module may be used in its entirety.

42 | (b) The methodology may be used at a variety of geographic scales and may be initiated by tribes,
43 | land managers or landowners. Landowner or land manager initiation is not limited by the minimum
44 | ownership threshold requirements in this chapter. Nothing in this rule grants any person or organization
45 | initiating the cultural resources module as a stand-alone method any right of entry onto private property.

46 | (c) Watershed analysis notice requirements to the department do not apply.

1 (d) Participants are encouraged to engage people that meet the minimum qualifications to conduct
2 the module as set by this chapter.

3 (e) In order for a stand-alone module to be incorporated into a watershed analysis, the module must
4 have been conducted in accordance with the requirements of this chapter.

5
6 **WAC 222-22-050 Level 1 watershed resource assessment.** *(1) To begin a watershed resource
7 analysis on a WAU, the department shall assemble a level 1 assessment team consisting of analysts
8 | qualified under WAC 222-22-030(1). A forest ~~land-owner~~landowner or owners acting under WAC
9 | 222-22-040(3) may assemble a level 1 assessment team consisting of analysts qualified under WAC
10 | 222-22-030(1) or, at its option, may begin the analysis as a level 2 resource assessment under WAC
11 | 222-22-060. Each level 1 team shall include persons qualified in the disciplines indicated as necessary in
12 the methodology, and should generally include a person or persons qualified in the following:

- 13 (a) Forestry;
- 14 (b) Forest hydrology;
- 15 (c) Forest soil science or geology;
- 16 (d) Fisheries science;
- 17 (e) Geomorphology;
- 18 (f) Cultural anthropology; and
- 19 (g) Archaeology.

20 Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest
21 land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual
22 to participate on the team at its own expense. The cultural resources module must include the
23 participation of the affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module,
24 Introduction, 1) *Using this methodology in formal watershed analysis*.

25 *(2) The level 1 team shall perform an inventory of the WAU utilizing the methodology, indices of
26 resource condition, and checklists set forth in the manual in accordance with the following:

- 27 (a) The team shall survey the WAU for fish, water, and capital improvements of the state or its
28 political subdivisions, and conduct an assessment for cultural resources.
- 29 (b) The team shall display the location of these resources on a map of the WAU, except mapping of
30 tribal cultural resources sites must be approved by the affected tribe. The location of archaeological sites
31 shall be on a separate map that will be exempt from public disclosure per RCW 42.56.300.
- 32 (c) For public resources (fish, water, and capital improvements of the state or its political
33 subdivisions):

34 (i) The team shall determine the current condition of the resource characteristics of these
35 resources, shall classify their condition as "good," "fair," or "poor," and shall display this information on
36 the map of the WAU. The criteria used to determine current resource conditions shall include indices of
37 resource condition, in addition to such other criteria as may be included in the manual. The indices will
38 include two levels, which will distinguish between good, fair, and poor conditions.

39 (ii) The team shall assess the likelihood that identified watershed processes in a given physical
40 location will be adversely changed by one forest practice or by cumulative effects and that, as a result, a
41 material amount of water, wood, sediment, or energy (e.g., affecting temperature) will be delivered to fish,
42 water, or capital improvements of the state or its political subdivisions. (This process is referred to in this
43 chapter as "adverse change and deliverability.") (For example, the team will address the likelihood that
44 road construction will result in mass wasting and a slide that will in turn reach a stream.) The team shall
45 rate this likelihood of adverse change and deliverability as "high," "medium," "low," or "indeterminate."
46 Those likelihoods rated high, medium, or indeterminate shall be displayed on the map of the WAU.

(iii) For each instance of high, medium, or indeterminate likelihood of adverse change and deliverability identified under (c)(ii) of this subsection, the team shall assess the vulnerability of potentially affected resource characteristics. Criteria for resource vulnerability shall include indices of resource condition as described in (c)(i) of this subsection and quantitative means to assess the likelihood of material adverse effects to resource characteristics caused by forest practices. (For example, the team will assess the potential damage that increased sediment caused by a slide reaching a stream will cause to salmon spawning habitat that is already in fair or poor condition.) The team shall rate this vulnerability "high," "medium," "low," or "indeterminate" and shall display those vulnerabilities on the map of the WAU. If there are no other criteria in the manual to assess vulnerability at the time of the assessment, current resource condition shall be used, with good condition equivalent to low vulnerability, fair condition equivalent to medium vulnerability, and poor condition equivalent to high vulnerability.

(iv) The team shall identify as areas of resource sensitivity, as provided in table 1 of this section, the locations in which a management response is required under WAC 222-22-070(3) because, as a result of one forest practice or of cumulative effects, there is a combination of a high, medium, or indeterminate likelihood of adverse change and deliverability under (c)(ii) of this subsection and a low, medium, high, or indeterminate vulnerability of resource characteristics under (c)(iii) of this subsection:

Table 1
Areas of Resource Sensitivity and Management Response

Likelihood of Adverse Change and Deliverability

		Low	Medium	High
<i>Vulnerability</i>	Low	Standard rules	Standard rules	Response: Prevent or avoid
	Medium	Standard rules	Response : Minimize	Response: Prevent or avoid
	High	Standard rules	Response : Prevent or avoid	Response: Prevent or avoid

The team shall display the areas of resource sensitivity on the map of the WAU.

(v) The decision criteria used to determine low, medium, and high likelihood of adverse change and deliverability shall be as set forth in the manual. A low designation generally means there is minimal likelihood that there will be adverse change and deliverability. A medium designation generally means there is a significant likelihood that there will be adverse change and deliverability. A high designation generally means that adverse change and deliverability is more likely than not with a reasonable degree of

1 confidence. Any areas identified as indeterminate in the level 1 assessment shall be classified for the
2 purposes of the level 1 assessment as medium until a level 2 assessment is done on the WAU under WAC
3 222-22-060, during which the uncertainties shall be resolved.

4 (d) For cultural resources, the team shall follow the methodology outlined in the cultural resources
5 module to determine the risk call for cultural resources based upon resource vulnerability and resource
6 importance.

7 (e) The team shall prepare a causal mechanism report regarding the relationships of each process
8 identified in (c) and (d) of this subsection. The report shall demonstrate that the team's determinations
9 were made in accordance with the manual. If, in the course of conducting a level 1 assessment, the team
10 identifies areas in which voluntary corrective action will significantly reduce the likelihood of material,
11 adverse effects to the condition of a resource characteristic, the team shall include this information in the
12 report, and the department shall convey this information to the applicable ~~land owner~~landowner.

13 *(3) Within ~~21~~twenty one days of mailing notice under WAC 222-22-040(4), the level 1 team
14 shall submit to the department its draft level 1 assessment, which shall consist of the map of the WAU
15 marked as set forth in this section and the causal mechanism report proposed under subsection (2)(e) of
16 this section. If the level 1 team is unable to agree as to one or more resource sensitivities or potential
17 resource sensitivities, or the causal mechanism report, alternative designations and an explanation ~~therefor~~
18 therefore shall be included in the draft assessment. Where the draft level 1 assessment delivered to the
19 department contains alternative designations, the department shall within ~~21~~twenty one days of the
20 receipt of the draft level 1 assessment make its best determination and approve that option which it
21 concludes most accurately reflects the proper application of the methodologies, indices of resource
22 condition, and checklists set forth in the manual.

23 *(4) If the level 1 assessment contains any areas in which the likelihood of adverse change and
24 deliverability or resource vulnerability are identified as indeterminate under this section or if the level 1
25 methodology recommends it, the department shall assemble a level 2 assessment team under WAC
26 222-22-060 to resolve the uncertainties in the assessment, unless a forest ~~land owner~~landowner acting
27 under WAC 222-22-040(3) has conducted a level 2 assessment on the WAU.

28 *(5) Pending the completion of the level 2 assessment, if any, on the WAU, the department shall
29 select interim prescriptions using the process and standards described in WAC 222-22-070 (1), (2), and (3)
30 and 222-22-080(3) and shall apply them to applications and notifications as provided in WAC 222-22-090
31 (1) and (2). Before submitting recommended interim prescriptions to the department, the field managers'
32 team under WAC 222-22-070(1) shall review the recommended prescriptions with available
33 representatives of the jurisdictional management authorities of the fish, water, capital improvements of the
34 state or its political subdivisions, and cultural resources in the WAU, including, but not limited to, the
35 departments of fish and wildlife, ecology, and affected Indian tribes.

36
37 **WAC 222-22-060 Level 2 watershed resource assessment.** *(1) The department, or forest ~~land-~~
38 ~~owner~~landowner acting under WAC 222-22-040(3), may assemble a level 2 assessment team either, ~~in the~~
39 ~~case of a forest land owner~~, to begin a level 2 watershed analysis-assessment or to review the level 1
40 assessment on a WAU. The level 2 team shall consist of specialists qualified under WAC 222-22-030(1).
41 Each level 2 team shall include persons qualified in the disciplines indicated as necessary in the
42 methodology, and should generally include a person or persons qualified in the following:

- 43 (a) Forestry;
- 44 (b) Forest hydrology;
- 45 (c) Forest soil science or geology;
- 46 (d) Fisheries science;

- 1 (e) Geomorphology;
- 2 (f) Cultural anthropology; and
- 3 (g) Archaeology.

4 Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest
5 land acreage in the WAU and any affected Indian tribe shall be entitled to designate one qualified member
6 of the team at its own expense. The cultural resources module must include the participation of the
7 affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module, Introduction, 1)
8 *Using this methodology in formal watershed analysis.*

9 *(2) The level 2 team shall perform an assessment of the WAU utilizing the methodology, indices
10 of resource condition, and checklist set forth in the manual in accordance with the following:

11 (a) If a level 1 assessment has not been conducted under WAC 222-22-050, the assessment team
12 shall complete the tasks required under WAC 222-22-050(2), except that the level 2 team shall not rate
13 any likelihood of adverse change and deliverability or resource vulnerability as indeterminate.

14 (b) If the level 2 team has been assembled to review a level 1 assessment, the level 2 team shall,
15 notwithstanding its optional review of all or part of the level 1 assessment, review each likelihood of
16 adverse change and deliverability and resource vulnerability rated as indeterminate and shall revise each
17 indeterminate rating to low, medium, or high and shall revise the map of the WAU accordingly.

18 *(3) Within ~~60~~sixty days of mailing notice under WAC 222-22-040(4) where a watershed analysis
19 begins with a level 2 assessment or within 60 days of beginning a level 2 assessment after completion of a
20 level 1 assessment, the level 2 team shall submit to the department its draft level 2 assessment, which shall
21 consist of the map of the WAU and the causal mechanism report.

22 *(4) The level 2 team shall endeavor to produce a consensus report. If the level 2 team is unable
23 to agree as to one or more areas of resource sensitivity or the casual mechanism report, alternative
24 designations and an explanation ~~therefor~~ shall be included in the draft assessment. Where the draft level
25 2 assessment delivered to the department contains alternative designations or reports, the department shall
26 within ~~30~~thirty days of the receipt of the draft level 2 assessment make its best determination and approve
27 that option which it concludes most accurately reflects the proper application of the methodologies,
28 indices of resource condition, and checklists set forth in the manual.

29
30 **WAC 222-22-070 Prescriptions and management strategies.** *(1) For each WAU for which a
31 watershed analysis is undertaken, the department, or forest ~~land owner~~landowner acting under WAC
32 222-22-040(3), shall assemble a team of field managers qualified under WAC 222-22-030(1). The team
33 shall include persons qualified in the disciplines indicated as necessary in watershed analysis methods,
34 and shall generally include a person or persons qualified in the following:

- 35 (a) Forest resource management;
- 36 (b) Forest harvest and road systems engineering;
- 37 (c) Forest hydrology;
- 38 (d) Fisheries science or management;
- 39 (e) Cultural anthropology and/or archaeology, depending on the cultural resources identified in the
40 assessment.

41 Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest
42 land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual
43 to participate on the team at its own expense. The cultural resources module must include the
44 participation of the affected Indian tribe(s). See board manual section 11, J. Cultural Resources Module,
45 Introduction, 1) *Using this methodology in formal watershed analysis.*

46 *(2) Each forest ~~land owner~~landowner in a WAU shall have the right to submit prescriptions to the

1 | department or the forest ~~land-owner~~landowner conducting the watershed analysis ~~prescriptions~~ for areas
2 | of resource sensitivity on ~~its~~their land. If these prescriptions are received within the time period
3 | described in subsection (4) of this section, they shall be considered for inclusion in the watershed analysis.

4 | *(3) For each identified area of resource sensitivity, the field managers team shall, in consultation
5 | with the level 1 and level 2 teams, if any, select and recommend prescriptions to the department-
6 | ~~prescriptions~~. These prescriptions shall be reasonably designed to minimize, or to prevent or avoid, as set
7 | forth in table 1 in WAC 222-22-050 (2)(c)(iv), the likelihood of adverse change and deliverability that has
8 | the potential to cause a material, adverse effect to resource characteristics in accordance with the
9 | following:

10 | (a) The prescriptions shall be designed to provide forest ~~land-owner~~landowners and operators with
11 | as much flexibility as is reasonably possible while addressing the area of resource sensitivity. The
12 | prescriptions should, where appropriate, include, but not be limited to, plans for road abandonment,
13 | orphaned roads, and road maintenance and plans for applying prescriptions to recognized land features
14 | identified in the WAU as areas of resource sensitivity but not fully mapped;

15 | (b) Restoration opportunities may be included as voluntary prescriptions where appropriate;

16 | (c) Each set of prescriptions shall provide for an option for an alternate plan under WAC
17 | 222-12-040, which the applicant shows meets or exceeds the protection provided by the other
18 | prescriptions approved for a given area of resource sensitivity;

19 | (d) The rules of forest practices and cumulative effects under this chapter shall not require
20 | mitigation for activities or events not regulated under chapter 76.09 RCW. Any hazardous condition
21 | subject to forest practices identified in a watershed analysis requiring corrective action shall be referred to
22 | the department for consideration under RCW 76.09.300 et seq.; and

23 | (e) The forests and fish riparian permanent rules, ~~when effective~~, supersede all existing watershed
24 | analysis riparian prescriptions with the exception of riparian management zones for exempt 20-acre
25 | parcels, when watershed analysis prescriptions were in effect before January 1, 1999. (See WAC
26 | 222-30-021, 222-30-022, and 222-30-023.) No new riparian prescriptions will be written after
27 | completion of the riparian ~~management zone~~function assessment report during a watershed analysis.

28 | *(4) For each identified cultural resource area of resource sensitivity, the field managers team shall
29 | develop cultural resources management strategies in consultation with the assessment team and affected
30 | tribe(s).

31 | (a) If a management strategy involves a site registered on the department of archaeology and
32 | historic preservation's archaeological and historic sites data base, data recovery at an archaeological site,
33 | or any resource that requires mandatory protection under chapters 27.44 and 27.53 RCW, the field
34 | managers team shall submit the management strategy to the department of archaeology and historic
35 | preservation for agreement.

36 | (b) The management strategies should be reasonably designed to protect or allow the recovery of
37 | resources by measures that minimize or prevent or avoid risks identified in the assessment.

38 | (c) Management strategies resulting from conducting a cultural resources module are voluntary,
39 | not mandatory prescriptions, whether the module is conducted as part of a watershed analysis or as a
40 | stand-alone method separate from watershed analysis. However, the mandatory protections of resources
41 | under chapters 27.44 and 27.53 RCW still apply.

42 | (5) The field managers team shall submit the recommended prescriptions, monitoring
43 | recommendations and cultural resources management strategies to the department within ~~30~~thirty days of
44 | the submission to the department of the level 2 assessment under WAC 222-22-060 or within ~~21~~twenty
45 | one days of the submission to the department of the level 1 assessment under WAC 222-22-050.

1
2 | **WAC 222-22-075 Monitoring.** *In connection with any watershed analysis that is not a ~~revision-~~
3 | ~~(reanalysis under~~ WAC 222-22-090~~(4))~~, the monitoring module will be required to be completed but
4 | implementation of monitoring recommendations would be voluntary unless otherwise required by
5 | existing laws and rules, or required by an HCP implementation agreement. Implementation of the
6 | monitoring recommendations will be encouraged when needed as part of the statewide effectiveness
7 | monitoring program.

8
9 | **WAC 222-22-080 *Approval of watershed analysis.** (1) Upon receipt of the recommended
10 | prescriptions and management strategies resulting from a level 1 assessment under WAC 222-22-050, a
11 | level 2 assessment under WAC 222-22-060, or a ~~level 1 assessment under WAC 222-22-050 where a level~~
12 | ~~2 assessment will not be conducted~~ reanalysis under WAC 222-22-090, the department shall select
13 | prescriptions. The department shall circulate the draft watershed analysis to the departments of ecology,
14 | and fish and wildlife, affected Indian tribes, local ~~government~~ governmental entities, forest ~~land-~~
15 | ~~owner~~ landowners in the WAU, and the public for review and comment. The prescriptions recommended
16 | by the field managers' team shall be given substantial weight. Within thirty days of receipt of the
17 | recommended prescriptions and management strategies, the department shall review comments, revise the
18 | watershed analysis as appropriate, and approve or disapprove the watershed analysis for the WAU.

19 | *(2) The department should notify any governmental agency or Indian tribe having jurisdiction
20 | over activities which are not regulated under chapter 76.09 RCW but which are identified in the draft
21 | analysis as having a potential for an adverse impact on identified fish, water, capital improvements of the
22 | state or its political subdivisions, ~~and-or~~ cultural resources.

23 | *(3) The department shall approve the draft watershed analysis unless it finds:

24 | (a) For any level 1 assessment or level 2 assessment, that:

25 | (i) The team failed in a material respect to apply the methodology, indices of resource condition, or
26 | checklists set forth in the manual; or

27 | (ii) A team meeting the criteria promulgated by the department and using the defined
28 | methodologies, indices of resource conditions, and checklists set forth in the manual could not reasonably
29 | have come to the conclusions identified in the draft level 1 or level 2 assessment; and

30 | (b) ~~For the~~ The prescriptions, ~~that they~~ will not accomplish the purposes and policies of this chapter
31 | and ~~of the Forest Practices Act,~~ chapter 76.09 RCW.

32 | (c) In making its findings under this subsection, the department shall take into account its ability to
33 | revise assessments under WAC 222-22-090~~(3)~~.

34 | *(4) If the department does not approve the draft watershed analysis, it shall set forth in writing a
35 | detailed explanation of the reasons for its disapproval.

36 | (5) ~~All~~ To become final, all watershed analyses must be reviewed under SEPA on a nonproject
37 | basis. SEPA review may take place concurrently with the public review in subsection (1) of this section.
38 | ~~(See WAC 222-10-035.)~~ SEPA must be completed within two years from the date the department approves
39 | the watershed analysis under WAC 222-22-080 (1) or the watershed analysis will expire. This expiration
40 | does not require SEPA review and sunsets the watershed analysis for the WAU. The department shall
41 | notify the landowners in the WAU that the watershed analysis has expired.

42 | (6) The department will not review or approve cultural resource management strategies because
43 | their implementation is voluntary.

1
2 **WAC 222-22-090 Use, and review, and reanalysis of a watershed analysis.** *(1) Where a watershed
3 analysis has been completed and approved for a WAU under this chapter:

4 (a) Any landowner within the WAU may apply for a multiyear permit to conduct forest practices
5 according to the watershed analysis prescriptions. This permit is not renewable if a ~~five-year~~
6 review/reanalysis is found necessary by the department under subsection (6) of this section and either the
7 reanalysis has not been completed and approved or the department has rescinded the prescriptions.

8 (b) Nonmultiyear forest practices applications and notifications submitted to the department shall
9 indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator,
10 timber owner, or forest ~~land-owner~~landowners shall use in conducting the forest practice in the area of
11 resource sensitivity;

12 (c) The department shall assist operators, timber owners, and forest ~~land-owner~~landowners in
13 obtaining governmental permits required for the prescription. ~~(see See~~ WAC 222-50-020 and
14 222-50-030);

15 (d) The department shall confirm that the prescription selected under (a) and(b) of this subsection
16 was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and
17 shall require the use of the prescription; and

18 (e) The department shall not further condition forest practices applications and notifications in an
19 area of resource sensitivity in a WAU where the applicant will use a prescription contained in the
20 watershed analysis nor shall the department further condition forest practices applications and
21 notifications outside an area of resource sensitivity in a WAU, except:

22 (i) _____—for reasons other than the watershed processes and fish, water, and capital improvements of the
23 state or its political subdivisions analyzed in the watershed analysis in the WAU; ~~or and except~~
24 (ii) to correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other
25 similar factual errors.

26 *(2) Pending completion of a watershed analysis for a WAU, the department shall process forest
27 practices notifications and applications in accordance with the other chapters of this title, except that
28 applications and notifications received for forest practices ~~on-in~~ a WAU after the date the notice is mailed
29 under WAC 222-22-040(4) commencing a watershed analysis on the WAU shall be conditioned to require
30 compliance with interim, draft, and final prescriptions, as available.

31 Processing and approval of applications and notifications shall not be delayed by reason of review,
32 approval, or appeal of a watershed analysis.

33 *(3) The board encourages cooperative and voluntary monitoring. Evaluation of resource
34 conditions may be conducted by qualified specialists, analysts, ~~and~~ field managers, and qualified experts
35 as determined under WAC 222-22-030. Subsequent watershed analysis and monitoring
36 recommendations in response to areas where recovery is not occurring shall be conducted in accordance
37 with this chapter.

38 ~~*(4) Where the condition of resource characteristics in a WAU are fair or poor~~To keep watershed analyses
39 current, the department shall determine if and when a reanalysis of a watershed analysis is necessary
40 to evaluate the effectiveness of the prescriptions applied under this chapter to the WAU in providing
41 for the protection and recovery of the resource ~~characteristic~~. ~~If the department finds that the~~
42 ~~prescriptions are not providing for such protection and recovery over a period of 3 years, the~~
43 ~~department shall repeat the watershed analysis in the WAU.~~ The department shall determine which
44 watershed analysis modules and prescriptions need to be included in the reanalysis. Review and
45 reanalysis of a watershed analysis shall be conducted in accordance with this chapter and board
46 manual section 11, standard methodology for conducting watershed analysis, except that:

1 (a) the reanalysis may be conducted on areas smaller than the entire WAU in the case of
2 subsection (6) (a) of this section, and

3 (b) the reanalysis shall be conducted only on the areas affected in the case of subsection (6) (b) or (6)
4 (c) of this section.

5 (5) Entities with an interest in maintaining prescriptions the department has identified for reanalysis are
6 responsible for committing sufficient resources to complete a reanalysis in addition to the available
7 resources provided by the department to administer the reanalysis process.

8 (6) ~~Aside from the foregoing, once~~Once a watershed analysis is completed and approved on a WAU, ~~it~~
9 the department shall ~~be revised in whole or in part~~conduct a review to determine if a reanalysis is
10 necessary, upon the earliest of the following to occur:

11 (a) Five years after the date the watershed analysis is final, ~~if necessary and every five years~~
12 ~~thereafter; or~~

13 (b) The occurrence of a natural disaster having a material adverse effect on the resource
14 characteristics of the WAU; ~~or~~

15 (c) Deterioration in the condition of a resource characteristic in the WAU measured over a
16 ~~12-twelve~~ month period or no improvement in a resource characteristic in fair or poor condition in the
17 WAU measured over a ~~12-twelve~~ month period unless the department determines, in cooperation with the
18 departments of ecology, fish and wildlife, affected Indian tribes, forest ~~land owner~~landowners, and the
19 public, that a longer period is reasonably necessary to allow the prescriptions selected to produce
20 improvement; ~~or,~~

21 ~~— (d) The request of an owner of forest land in the WAU, which wishes to conduct a watershed~~
22 ~~analysis at its own expense.~~

23 ~~— Revision of an approved watershed analysis shall be conducted in accordance with the processes,~~
24 ~~methods, and standards set forth in this chapter, except that the revised watershed analysis shall be~~
25 ~~conducted only on the areas affected in the case of revisions under (b) or (c) of this subsection, and may be~~
26 ~~conducted on areas smaller than the entire WAU in the case of revisions under (a) and (d) of this~~
27 ~~subsection. The areas on which the watershed analysis revision is to be conducted shall be determined by~~
28 ~~the department and clearly delineated on a map before beginning the assessment revision. Forest~~
29 ~~practices shall be conditioned under the current watershed analysis pending the completion of any~~
30 ~~revisions.~~

31 (7) Once the department has determined that a watershed reanalysis is necessary under subsection (6) of
32 this section:

33 (a) The department shall notify the forest landowners in the WAU, the departments of ecology and
34 fish and wildlife, affected Indian tribes, relevant federal agencies and local governmental
35 entities, and the public.

36 (b) Prior to the start of the reanalysis, the department shall determine and clearly delineate on a
37 map the areas on which the reanalysis is to be conducted.

38 (c) The department, in its review of forest practices applications within the mapped reanalysis
39 area, will classify proposed forest practices undergoing reanalysis, if necessary per WAC
40 222-16-050.

41 (d) The department shall determine if the forest landowners in the WAU want to participate in the
42 reanalysis and commit sufficient resources to complete the reanalysis process in accordance
43 with subsection (5) of this section:

44 (i) If no forest landowners in the WAU wish to participate and commit resources, then the
45 department may rescind the watershed analysis prescriptions after conducting SEPA
46 review. If the department rescinds prescriptions, it shall notify the landowners in the WAU.

1 (ii) If a landowner wishes to participate and commit resources, then the department in
2 consultation with the departments of ecology and fish and wildlife, affected Indian tribes,
3 forest landowners, and the public shall establish a timeline for the reanalysis. If the
4 timeline for completion is not being met, the department may adjust the timeline or, after
5 conducting SEPA review, rescind the watershed analysis prescriptions. If the department
6 rescinds prescriptions, it shall notify the landowners in the WAU.

7 (e) Upon receiving recommendations from the reanalysis, the department shall select
8 prescriptions in accordance with WAC 222-10-035 and 222-22-080 (1).

9 (f) Reanalyses must be reviewed under SEPA on a nonproject basis.

10 (8) Regardless of subsection (7) above, the owner or owners of ten percent or more of the nonfederal
11 forest land in the WAU may conduct a watershed reanalysis at any time at their own expense and the
12 reanalysis may be conducted on areas smaller than the entire WAU.

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