

As required by  
the Administrative Procedure Act  
Chapter 34.05 RCW

**CONCISE EXPLANATORY STATEMENT  
AND  
RESPONSIVENESS SUMMARY**

**ADOPTION OF AMENDMENT TO THE FORST PRACTICES RULES  
WAC 222-12-045 *Adaptive Management Program***

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**TABLE OF CONTENTS**

1. Introduction	pg. 1
2. Content of the Rule Amendment and Reasons to Adopt	pg. 2
3. Comments – Summary, Commenters, and Responses	pg. 2
4. Differences between Proposed and Final Rule	pg. 3
5. Adoption Date	pg. 3
6. Rule Making Timeline and Opportunities to Participate	pg. 3-4

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**1. Introduction**

Washington state agencies are required to provide a concise explanatory statement to any person upon request or from whom the agency receives comments during a rule making (RCW 34.05.325(6)). Before an agency adopts a rule, the agency:

*...shall prepare a concise explanatory statement of the rule:*

- (i) Identifying the agency's reasons for adopting the rule;*
- (ii) Describing differences between the text of the proposed rule, as published in the register and the text of the rule as adopted, other than editing changes, stating the reason for the differences; and*
- (iii) Summarizing all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.*

## 2. Content of Rule Amendments and Reasons to Adopt

The Forest Practices Board's rule making titled Adaptive Management Program Reform amends one rule:

- WAC 222-12-045 *Adaptive management program*

The amendments to the Adaptive Management Program rules are designed to reform the program as outlined in the 2012 settlement agreement for the Forest Practices Habitat Conservation Plan.

The amendments modify the adaptive management program in the following ways:

- The Timber/Fish/ Wildlife Policy Committee (Policy Committee) is reestablished as a consensus-based body composed of caucus principles or their representatives;
- Nine caucuses are established for the Policy Committee with one vote per caucus;
- The dispute resolution process is revised by allowing the Cooperative Monitoring Evaluation and Research Committee (CMER) to utilize stage 2 and shortening the decision making timelines while allowing for timeline extension by consensus vote; and
- The CMER work plan process is expanded to a Master Project Schedule process prioritized with timelines for review and updates, and additional roles for the Adaptive Management Program Administrator and the Policy Committee.

Additional minor amendments clarify rule language without changing the intent of the rule.

## 3. Comments – Summary, Commenters, and Responses

### Summary

The Board received a total of two comments on its amendments to WAC 222-12-045 *Adaptive management program*. Both of the commenters supported the rule. One commenter suggested one language clarification.

### Commenters

At the June 25, 2012 Ellensburg hearing, there were no verbal or written comments.

At the June 27, 2013 hearing in Olympia, two comments were received on this rule making, one verbal as well as written and the other verbal only. The comments were received from the following:

- Washington Forest Protection Association (WFPA) (Comment #13-13)
- Washington Environmental Council (WEC) (Comment #13-14)

### Responses

- Comment #13-13: WFPA supports the rule and requests the Board adopt the rule, and recommends one clarification to the language describing the voting structure of the Policy Committee: Replace the language at WAC 222-12-045 (2)(b)(ii) with "*The Policy Committee will base consensus on one vote from each of the nine caucuses.*"

*Response: The recommended change has been incorporated as proposed.*

- Comment #13-14: WEC supports this rule change. It implements the spirit of intent in the settlement agreement for the Forest Practices Habitat Conservation Plan.

*Response: Thank you.*

#### 4. Differences between Proposed and Final Rule

The final rule incorporates minor clarifications that do not change the intent of the rule.

#### 5. Adoption Date

The Forest Practices Board adopted this rule at their August 13, 2013 regular meeting. The rule will become effective in late September or early October 2013.

#### 6. Rule Making Timeline and Opportunities to Participate

05/24/2012	Agreement between the Conservation Caucus, State of Washington, and Washington Forest Protection Association to settle potential litigation on the Forest Practices Habitat Conservation Plan and reform the Adaptive Management Program.
02/04/2013	Semi-Annual Rule Making Agenda, including Board consideration of Adaptive Management Program rule making, published in Washington State Register (WSR 13-04-077 filed 02/04/2013)
02/12/2013	Forest Practices Board meeting: Consideration of possible rule making for the adaptive management program and notice to public. Opportunity to comment at the meeting prior to Board action
03/20/2013	<i>Preproposal Statement of Inquiry</i> (CR-101) published in the Washington State Register (WSR 13-06-013 filed 02/25/2013)
03/22/2013	Forest Practices Rule Making Activity update (CR-101) about rule making intent on Adaptive Management Program Reform sent to interested parties (#13-02).
05/14/2013	Forest Practices Board meeting: Consider approval of draft rule language for Adaptive Management Program Reform. Opportunity to comment at meeting prior to Board action
06/05/2013	<i>Proposed Rule Making</i> (CR-102) published in Washington State Register (WSR 13-11-131 filed 05/22/2013)
06/05/2013	Forest Practices Rule Making Activity update (CR-102) on rule making hearings and commenting on the proposed rule sent to interested parties (#13-03). Comment period open until 5:00 p.m. on June 28, 2013
06/24/2013	Notice of Rule Making Hearing sent to interested parties
06/24/2013	Semi-Annual Rule Making Agenda, including Board consideration of Adaptive Management Program rule making, published in Washington State Register (WSR 13-14-024 filed June 14, 2013)
06/25/2013	Rule making hearing in Ellensburg

06/27/2013 Rule making hearing in Olympia

06/28/2013 Due date for comments on Adaptive Management Program Reform rule proposal

8/13/2013 Forest Practices Board meeting: Board adoption of the proposed rule amendments to WAC 222-12-045 *Adaptive management program*, including staff recommended minor clarifications that do not change the intent of the rule.