

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

Historic Sites Rule Making
August 2008

REASONS FOR ADOPTING THE RULE

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

The rules:

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

The rules affect WAC 222-16-010 (definitions) and WAC 222-16-050 (classes of forest practices):

1. “historic sites” in WAC 222-16-010,
2. “Class IV-special” in WAC 222-16-050 (1) (f), and
3. “Class III” in WAC 222-16-050 (3) (k).

ADOPTION DATE OF THE RULE

The Forest Practices Board adopted the Historic Sites rule on August 13, 2008. The rules will become effective in late September 2008.

DIFFERENCES BETWEEN PROPOSED RULE AND ADOPTED RULE

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

RULE MAKING TIMELINE

09/06/2006	Pre-proposal Statement of Inquiry (CR-101) published in the Washington State Register
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10/26/2007	Board solicits input on proposed rule language from the counties and the Washington Department of Fish and Wildlife per RCW 76.09.020(4), and the tribes. Thirty-day comment period. Board receives one written comment, from the Samish Indian Nation.
05/07/2008	Proposed Rule Making (CR-102) published in the Washington State Register
04/25/2008	Board initiates SEPA review with distribution of the SEPA checklist, threshold determination, proposed rule language, and preliminary economic analysis. Fourteen-day review and comment period.
06/12/2008	Notice of Board's rule making hearings and fourteen-day comment period.
06/17/2008	Rule making hearing, Ellensburg
06/24/2008	Rule making hearing, Tukwila
06/26/2008	Rule making hearing, Spokane
06/27/2008	Due date for comments
08/13/2008	Board adopts the historic sites rule language

SUMMARY OF COMMENTS RECEIVED DURING SEPA REVIEW AND HEARING COMMENT PERIODS, AND RESPONSES TO COMMENTS

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

Comment in Support of the Proposed Rule Language

One written comment in support of the proposal was received:

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