

Appendix E.

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E. Chapter 76.09 RCW (Forest Practices)

The Forest Practices Act (the Act) was originally passed in 1974 – Washington’s first comprehensive law addressing the impacts of forest practices on the environment. The goal of the Act is to protect the state’s natural resources while maintaining a viable forest industry. The Act also established the Forest Practices Board (the Board). The Board works with the public, stakeholders and the Department of Natural Resources to develop and adopt forest practices rules and approve guidelines that apply to practices on non-Federal and non-tribal forestlands.

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Chapter 76.09 RCW

Forest Practices

RCW Sections

[76.09.010](#) Legislative finding and declaration.

[76.09.020](#) Definitions.

[76.09.030](#) Forest practices board - Created - Membership - Terms - Vacancies - Meetings - Compensation, travel expenses - Staff.

[76.09.040](#) Forest practices rules - Adoption - Review of proposed rules - Hearings - Riparian open space program.

[76.09.050](#) Rules establishing classes of forest practices - Applications for classes of forest practices - Approval or disapproval - Notifications - Procedures - Appeals - Waiver.

[76.09.055](#) Findings - Emergency rule making authorized.

[76.09.060](#) Applications for forest practices - Form - Contents - Conversion of forest land to other use - Six-year moratorium - New applications - Approval - Emergencies.

[76.09.063](#) Forest practices permit - Habitat incentives agreement.

[76.09.065](#) Forest practices application or notification -- Fee.

[76.09.067](#) Application for forest practices - Owner of perpetual timber rights.

[76.09.070](#) Reforestation - Requirements - Procedures - Notification on sale or transfer.

[76.09.080](#) Stop work orders - Grounds - Contents - Procedure - Appeals.

[76.09.090](#) Notice of failure to comply - Contents - Procedures - Appeals - Hearing - Final order - Limitations on actions.

[76.09.100](#) Failure to comply with water quality protection - Department of ecology authorized to petition appeals board - Action on petition.

[76.09.110](#) Final orders or final decisions binding upon all parties.

[76.09.120](#) Failure of owner to take required course of action - Notice of cost - Department authorized to complete course of action - Liability of owner for costs - Lien.

[76.09.130](#) Failure to obey stop work order - Departmental action authorized - Liability of owner or operator for costs.

[76.09.140](#) Enforcement.

[76.09.150](#) Inspection - Right of entry.

[76.09.160](#) Right of entry by department of ecology.

[76.09.170](#) Violations - Conversion to nontimber operation - Penalties - Remission or mitigation - Appeals - Lien.

[76.09.180](#) Disposition of moneys received as penalties, reimbursement for damages.

[76.09.190](#) Additional penalty, gross misdemeanor.

[76.09.210](#) Forest practices appeals board - Created - Membership - Terms - Vacancies - Removal.

[76.09.220](#) Forest practices appeals board - Compensation - Travel expenses - Chair - Office - Quorum - Powers and duties - Jurisdiction - Review.

[76.09.230](#) Forest practices appeals board - Mediation - Appeal procedure - Judicial review.

[76.09.240](#) Class IV forest practices - Counties and cities adopt standards - Administration and enforcement of regulations - Restrictions upon local political subdivisions or regional entities - Exceptions and limitations.

[76.09.250](#) Policy for continuing program of orientation and training.

[76.09.260](#) Department to represent state's interest - Cooperation with other public agencies - Grants and gifts.

[76.09.270](#) Annual determination of state's research needs - Recommendations.

[76.09.280](#) Removal of log and debris jams from streams.

[76.09.285](#) Water quality standards affected by forest practices.

[76.09.290](#) Inspection of lands - Reforestation.

[76.09.300](#) Mass earth movements and fluvial processes - Program to correct hazardous conditions on sites associated with roads and railroad grades - Hazard-reduction plans.

[76.09.305](#) Advisory committee to review hazard-reduction plans authorized - Compensation, travel expenses.

[76.09.310](#) Hazard-reduction program - Notice to landowners within areas selected for review - Proposed plans - Objections to plan, procedure - Final plans - Appeal.

[76.09.315](#) Implementation of hazard-reduction measures - Election - Notice and application for cost-sharing funds - Inspection - Letter of compliance - Limitations on liability.

[76.09.320](#) Implementation of hazard-reduction program - Cost sharing by department - Limitations.

[76.09.330](#) Legislative findings - Liability from naturally falling trees required to be left standing.

[76.09.340](#) Certain forest practices exempt from rules and policies under this chapter.

[76.09.350](#) Long-term multispecies landscape management plans - Pilot projects, selection - Plan approval, elements - Notice of agreement recorded - Memorandums of agreements - Report, evaluation.

[76.09.360](#) Single multiyear permit.

[76.09.368](#) Intent - Small forest landowners - Alternate plan processes/alternate harvest restrictions - Report to the legislature.

[76.09.370](#) Findings - Forests and fish report - Adoption of rules.

[76.09.380](#) Report to the legislature - Emergency rules - Permanent rules.

[76.09.390](#) Sale of land or timber rights with continuing obligations - Notice - Failure to notify - Exemption.

[76.09.400](#) Forests and fish account - Created.

[76.09.410](#) Road maintenance and abandonment plans - Fish passage barriers.

[76.09.420](#) Road maintenance and abandonment plans - Rules - Checklist - Report to the legislature - Emergency rules.

[76.09.430](#) Application to RCW [76.13.150](#).

[76.09.440](#) Small forest landowner - Fish passage barriers.

[76.09.450](#) Small forest landowner - Defined.

[76.09.900](#) Short title.

[76.09.905](#) Air pollution laws not modified.

[76.09.910](#) Shoreline management act, hydraulics act, other statutes and ordinances not modified - Exceptions.

[76.09.915](#) Repeal and savings.

[76.09.920](#) Application for extension of prior permits.

[76.09.925](#) Effective dates - 1974 ex.s. c 137.

[76.09.935](#) Severability - 1974 ex.s. c 137.

The following is a list of forest practices rules that are incorporated into the Forest Practices HCP. Forest practices rules pertaining to upland wildlife species and the application of forest chemicals are not provided for under the provisions of this HCP and therefore are not included in this list.

WAC 222 - Forest Practices Rules

Chapter and Sub-Chapter

Chapter 222-08 - Practices and Procedures

- 222-08-010 Purpose
- 222-08-020 Definitions
- 222-08-030 Function, organization, and office
- 222-08-040 Operations and procedures
- 222-08-050 Public records—Availability
- 222-08-060* Public records officer
- 222-08-070 Public records index
- 222-08-080 Protection of public records
- 222-08-090 Disclosure of public records
- 222-08-100 Petitions for adoption, repeal or amendment of a rule
- 222-08-120 Inapplicability of model rules adopted by the chief administrative law judge
- 222-08-130 Ethics standards
- 222-08-140 Orientation and training
- 222-08-150 Reporting procedures
- 222-08-160 Continuing review of forest practices rules

Chapter 222-10 - State Environmental Policy Act Guidelines

- 222-10-010 Policies and authorities
- 222-10-030 SEPA policies for potentially unstable slopes and landforms
- 222-10-035 Watershed analysis SEPA policies
- 222-10-040 Class IV-Special threatened and endangered species SEPA policies
- 222-10-041 Northern spotted owls
- 222-10-042 Marbled murrelets
- 222-10-050 Adoption by reference
- 222-10-070 Additional definitions
- 222-10-090 Designation of responsible official
- 222-10-110 Board's SEPA public information center
- 222-10-120 Exemption for emergency actions
- 222-10-125 Exemption from RCW 43.21C.030 (2)(c)
- 222-10-130 Lead agency, agency with jurisdiction, consulted agency

Chapter 222-12 - Policy and Organization

- 222-12-010* Authority
- 222-12-020 Rule sections
- 222-12-030 Classes of forest practices
- 222-12-040 Alternate plans--Policy
- 222-12-0401 Alternate plans--Process
- 222-12-0402 Assistance available for small forest landowners

- 222-12-0403 Cooperative development of guidelines for alternate plans
- 222-12-0404 Cooperation for effective alternate planning
- 222-12-0405 Auditing and monitoring
- 222-12-041 Use of approved state and federal conservation agreements for aquatic resources
- 222-12-044 Cooperative opportunities
- 222-12-045 Adaptive management program
- 222-12-046 Cumulative effects
- 222-12-050 Notices to comply--Stop work orders
- 222-12-060 Supplemental directives
- 222-12-070 Enforcement policy
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- 222-12-090 Forest practices board manual

Chapter 222-16 - Definitions & RMAP Emergency Rule

- 222-16-010* General definitions
- 222-16-030 Water typing system
- 222-16-031 Interim water typing system
- 222-16-035 Wetland typing system
- 222-16-036 Wetland mapping
- 222-16-050 Classes of forest practices
- 222-16-051 Exception to Class IV-Special
- 222-16-060 Lands with a likelihood of future conversion
- 222-16-070 Pesticide uses with the potential for a substantial impact on the environment
- 222-16-080 Critical habitats (state) of threatened and endangered species
- 222-16-085 Northern spotted owl habitats
- 222-16-086 Northern spotted owl special emphasis areas and goals
- 222-16-087 Marbled murrelet special landscape
- 222-16-100 Planning options for the northern spotted owl
- 222-16-105 Cooperative habitat enhancement agreements

Chapter 222-20* - Application and Notification & RMAP Emergency Rule

- 222-20-010 Applications and notifications - Policy
- 222-20-015 Multiyear permits
- 222-20-020 Application time limits
- 222-20-030 Delivery of notifications and applications--Receipts--File numbers
- 222-20-040 Approval conditions
- 222-20-050 Conversion to nonforest use
- 222-20-055 Continuing forest land obligations
- 222-20-060 Deviation from prior application or notification
- 222-20-070 Emergency forest practices
- 222-20-075 Exotic forest insect or disease outbreaks
- 222-20-080 Application and notification expiration
- 222-20-090 Options for filing applications
- 222-20-100 Notice to parks and OAHP
- 222-20-110 Notice of forest practices to cities and towns

- 222-20-120 Notice of forest practices to affected Indian tribes
- 222-20-130 Notice and administration in CRGNSA special management area

Chapter 222-21 - Small Forest Landowner Forestry Riparian Easement Program

- 222-21-005 Policy
- 222-21-010 Definitions
- 222-21-020 Criteria for accepting riparian easement
- 222-21-030 Document standards
- 222-21-035 Description of easement
- 222-21-040 Timber cruises
- 222-21-045 Valuation
- 222-21-050 Payment of compensation
- 222-21-060 Commercially reasonable harvest
- 222-21-061 Criteria when commercially reasonable harvest is not possible
- 222-21-065 Uneconomic to harvest
- 222-21-070 Blowdown and salvage
- 222-21-080 Eminent domain
- 222-21-090 Internal department of natural resources review of small forest landowner office compensation decisions

Chapter 222-22 - Watershed Analysis

- 222-22-010 Policy
- 222-22-020 Watershed administrative units
- 222-22-030 Qualification of watershed resource analysts, specialists, and field managers
- 222-22-040 Watershed prioritization
- 222-22-045 Cultural resources
- 222-22-050 Level 1 watershed resource assessment
- 222-22-060 Level 2 watershed resource assessment
- 222-22-070 Prescription and management strategies
- 222-22-075 Monitoring
- 222-22-076 Restoration
- 222-22-080 Approval of watershed analysis
- 222-22-090 Use and review of watershed analysis
- 222-22-100 Application review prior to watershed analysis

Chapter 222-23 - Riparian Open Space Program

- 222-23-010 Policy and definitions
- 222-23-020 Submitting and processing of applications for the riparian open space program
- 222-23-025 Priorities for conveyances—Use of lands conveyed
- 222-23-030 Conveyance forms and procedure

Chapter 222-24 - Road Construction and Maintenance & RMAP Emergency Rule

- 222-24-010 Policy
- 222-24-015 Construction in wetlands
- 222-24-020 Road location and design

- 222-24-026 Temporary roads
- 222-24-030 Road construction
- 222-24-035 Landing location and construction
- 222-24-040 Water crossing structures
- 222-24-050 Road maintenance and abandonment
- 222-24-051 Large forest landowner road maintenance schedule
- 222-24-0511 Small forest landowner road maintenance planning
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- 222-24-052 Road maintenance
- 222-24-060 Rock quarries, gravel pits, borrow pits, and spoil disposal areas

Chapter 222-30 - Timber Harvesting

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- 222-30-021 Western Washington riparian management zones
- 222-30-022 Eastern Washington riparian management zones
- 222-30-023 Riparian management zones for exempt 20-acre parcels
- 222-30-025 Even-aged harvest--Size and timing
- 222-30-030 Stream bank integrity
- 222-30-040 Shade requirements to maintain water temperature
- 222-30-045 Salvage logging within riparian management zones
- 222-30-050 Felling and bucking
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- 222-30-065 Helicopter yarding
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- 222-30-080 Landing cleanup
- 222-30-090 Postharvest site preparation
- 222-30-100 Slash disposal or prescribed burning
- 222-30-110 Timber harvesting on islands
- 222-30-120 Rate of harvest monitoring

Chapter 222-34 - Reforestation

- 222-34-010 Required reforestation--West of Cascades Summit
- 222-34-020 Required reforestation--East of Cascades Summit
- 222-34-030 Reforestation--Plans--Reports--Inspections.
- 222-34-040 Site preparation and rehabilitation
- 222-34-050 Urban and other lands exempted from the reforestation requirements.

Chapter 222-38 - Forest Chemicals

- 222-38-010 Policy-Forest chemicals
- 222-38-020 Handling, storage, and application of pesticides
- 222-38-030 Handling, storage, and application of fertilizers
- 222-38-040 Handling, storage, and application of other forest chemicals

Chapter 222-42 - Supplemental directives

222-42-010 Supplemental directives

Chapter 222-46 - Consultation Enforcement

222-46-010 Policy-Enforcement

222-46-012 Representatives on inspections

222-46-015 Enforcement within the CRGNSA special management area

222-46-020 Informal conferences

222-46-030 Notice to comply

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222-46-050 Corrective action

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222-46-065 Base penalty schedule

222-46-070 Injunctions, civil suits, disapprovals

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Chapter 222-50 - Relationship to Other Laws and Regulations

222-50-010 Policy

222-50-020 Other agency requirements

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222-50-040 Safety and health

222-50-050 Forest fire prevention and suppression

222-50-060 Other regulatory programs administered by the department

* WAC was changed since December 2004 when the Draft FPHCP was published.

To obtain more information on Chapter 76.09 RCW and on WAC 222 - Forest Practices Rules, please contact the FPB Rules Coordinator.

Mailing Address:

FPB Rules Coordinator

DNR Forest Practices Division

PO Box 47012

Olympia, WA 98504-7012

Email: forest.practicesboard@wadnr.gov

Phone: 360-902-1400

Fax: 360-902-1428

TTY: 360-902-1125

Website Address: <http://www.dnr.wa.gov/forestpractices/>

