

As required by the
Administrative Procedure Act
Chapter 34.05 RCW

CONCISE EXPLANATORY STATEMENT
AND
RESPONSIVENESS SUMMARY
FOR THE ADOPTION OF
Chapter 222-20 WAC, Electronic Business Rule Making

Prepared by: Patricia Anderson
January 2018

1. Introduction

The Forest Practices Board (Board) is amending WACs 222-20-010 and 222-20-030 by adding electronic transactions as an option for prospective applicants when submitting forest practices applications and notifications (FPA/N). The rule will allow applicants to submit digital signatures and submit payments electronically. This rule will not limit the method in which the department will accept an FPA/N and receive payment, nor conversely, require prospective applicants to use only electronic formats. This rule is a placeholder for when an electronic business portal becomes available for DNR to receive FPA/N.

Legislative authority for agencies creating a framework for implementing electronic transactions is found in RCW 19.360.010.

The Board adopted the rule on February 14, 2017, and becomes effective 31 days after the rule is filed with the Office of the Code Reviser.

2. Differences between proposed and final rule

The text being adopted is identical to the text as proposed in WSR 17-19-016 filed on September 7, 2017.

3. Summary of Comments

One written comment was received during the public review period from October 4, 2017 through January 5, 2018. No comments on the preliminary Economic Analysis were received.

Comment in Support of the Proposed Rule Language:

The comment from Washington Forest Protection Association (WFPA) was in support of the rule making. However, WFPA questioned whether the proposed language was clear in stating the Board's authority to accept electronic payments and suggested that it be specifically stated in rule that electronic payment is indeed allowed.

Response:

Duly noted. The Forest Practices rules do not detail how payments can be delivered to DNR region offices. Traditionally, the department has maintained the phrase 'Notifications and Applications' equates to the forest practices application/notification form and accompanying fee. The best way to convey an electronic payment is an option for applicants to choose (once the electronic business system is active), is to explain the process in the forest practices application instructions.

4. Rule Making Timeline, Notices, and Opportunities to Participate

- 2/8/2017 Forest Practices Board approved filing *Preproposal Statement of Inquiry* (form CR-101). There was a public comment opportunity at the meeting prior to the Board action.
- 4/5/2017 CR-101 published in the Washington State Register (WSR 17-07 filed March 22, 2017).
- 8/9/2017 Forest Practices Board approved filing *Proposed Rule Making* (form CR-102) and the draft rule language for public review and comment. There was a public comment opportunity at the meeting prior to the Board action.
- 10/4/2017 CR-102 published in the Washington State Register (WSR 17-19 filed September 7, 2017). Public comment period was from October 4, 2017 through January 5, 2018, including one hearing on January 4, 2018 in Olympia.
- 10/4/2017 Notice of Rule Making Activity #17-02 distributed via the Board's list of interested parties, GovDelivery notice, and website at <https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board/rules-and-guidelines/forest-practices-board-rule>.
- 12/14/2017 Hearings notice distributed via GovDelivery notice and website at <https://www.dnr.wa.gov/about/boards-and-councils/forest-practices-board/rules-and-guidelines/forest-practices-board-rule>.
- 1/4/2018 Public hearing in Olympia.