

**DETERMINATION OF NONSIGNIFICANCE**

**Description of proposal:**

The Forest Practices Board proposes to amend certain Forest Practices rules (Title 222 WAC) that define applications involving cultural resources. Three of the Board's rules are proposed for modification:

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).

The proposal is intended to clarify that historic sites are determined by the Department of Archaeology and Historic Preservation and that certain historic sites are Class IV-special applications, and to address ambiguities in and overlap between Class IV-special and Class III definitions. Additionally, the proposal recognizes that cultural resources protection and management plans from voluntary landowner-tribe(s) planning efforts, including watershed analysis, exempt applications from a cultural resources Class IV-special.

**Proponent:** Washington State Forest Practices Board

**Location of proposal, including street address, if any:**

As a non-project proposal, the affected geographic area is the public and private forestlands subject to the Washington Forest Practices Act, chapter 76.09 RCW.

**Lead agency:** Washington State Forest Practices Board

The lead agency for this proposal 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 for 14 days from April 25, '08. Comments must be submitted by May 9, '08.**

**Responsible official:** Doug Sutherland

**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 98504-7012  
(360) 902-1400

**Date:** 4/23/8

**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 non-project proposal is referred to as "historic sites rule making".**
2. Name of applicant:  
**Washington State 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 5, 2008**
5. Agency requesting checklist:  
**Washington State Forest Practices Board**
6. Proposed timing or schedule (including phasing, if applicable):  
**The Forest Practices Board may consider rule adoption at its August 13, 2008 meeting. If the Board adopts the rule at that meeting, the effective date would be late September or early October 2008.**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.  
**There are no specific plans for further Board activity related to this rule proposal.**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.  
**None.**

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.

**This non-project proposal to amend Title 222 WAC applies to lands subject to the Forest Practices Act (chapter 76.09 RCW). There are numerous forest practices applications currently pending department approval, and may also be pending other state agency and/or local government approval(s).**

10. List any government approvals or permits that will be needed for your proposal, if known.  
**None.**

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 Forest Practices Board proposes to amend certain Forest Practices rules (Title 222 WAC) that define applications involving cultural resources. Three of the Board's rules are proposed for modification:**

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).

**The proposal is intended to clarify certain historic sites as Class IV-special applications and address ambiguities in and overlap between Class IV-special and Class III definitions. Additionally, the amended language recognizes cultural resources protection and management plans from voluntary landowner-tribe(s) planning efforts including watershed analysis.**

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 a site specific proposal. As an amendment to the forest practices rules, the affected geographic area includes all lands in Washington State subject to the Forest Practices Act, chapter 76.09 RCW.**

## **B. ENVIRONMENTAL ELEMENTS**

### 1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountains, other \_\_\_\_\_.  
**This proposal is applicable to a wide range of sites with varying topography.**
- b. What is the steepest slope on the site (approximate percent slope)?  
**This proposal is applicable to a wide range of sites with varying topography.**
- 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 proposal is applicable to a wide range of soils types.**
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.  
**This proposal is applicable to a wide range of soils.**
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.  
**Not applicable to this non-project proposal.**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.  
**Not applicable to this non-project proposal.**

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

**Not applicable to this non-project proposal.**

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

**Not applicable to this non-project proposal.**

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.

**Not applicable to this non-project proposal.**

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

**Not applicable to this non-project proposal.**

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

**Not applicable to this non-project proposal.**

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. The forest practices rules (Title 222 WAC) have provisions that address the impacts to surface water by forest practices. This proposal does not influence those provisions.**

- 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. The forest practices rules (Title 222 WAC) have provisions that address the water quality. This proposal does not influence those provisions.**

- 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. The forest practices rules (Title 222 WAC) have provisions that address fill and dredge. This proposal does not influence those provisions.**

- 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. The forest practices rules (Title 222 WAC) are designed to protect water quality and riparian habitat if a forest practices application includes a water crossing or road construction that withdraws or diverts surface water. This proposal does not impact those provisions.**

- 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. The proposal applies to a wide range of sites including within 100-year floodplains on which inventory, assessment, protection, and management of cultural resources may take place. This proposal does not change the forest practices rules (Title 222 WAC) that govern activities within flood plains.**

- 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. The forest practices rules (Title 222 WAC) protect water quality**

and aquatic resources by limiting the placement of forest practices waste materials in, and the delivery of sediment and surface water runoff to all types of waters. This proposal does not impact those provisions.

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. The forest practices rules (Title 222 WAC) address potential impacts to groundwater from forest practices. This proposal does not impact those provisions.**

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. The forest practice rules (Title 222 WAC) have provisions that limit the entry of chemicals into surface and groundwater. This proposal does not impact those provisions.**

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. The forest practices rules (Title 222 WAC) have provisions that address surface water runoff caused by forest practices. This proposal does not impact those provisions.**

2) Could waste material enter ground or surface waters? If so, generally describe.  
**This is not a site specific proposal. The forest practice rules (Title 222 WAC) have provisions that limit the potential of waste material from forest practices to enter ground or surface waters. This proposal does not influence those provisions.**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:  
**Not applicable to this non-project proposal.**

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. It is intended, in part, to recognize voluntary landowner-tribe(s) plans that protect and manage cultural resources. These plans may include traditional cultural materials such as vegetation.**

b. What kind and amount of vegetation will be removed or altered?

**This is not a site specific proposal. It is intended, in part, to recognize voluntary landowner-tribe(s) plans that protect and manage cultural resources. These plans may include traditional cultural materials such as vegetation.**

c. List threatened or endangered species known to be on or near the site.

**This is not a site specific proposal. It is intended, in part, to recognize voluntary landowner-tribe(s) plans that protect and manage cultural resources. These plans may include threatened and endangered species.**

- 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. It is intended, in part, to recognize voluntary landowner-tribe(s) plans that protect and manage cultural resources. These plans may include traditional cultural materials such as vegetation.**
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:  
**Not applicable to this non-project proposal.**
- b. List any threatened or endangered species known to be on or near the site.  
**Not applicable to this non-project proposal.**
- c. Is the site part of a migration route? If so, explain.  
**Not applicable to this non-project proposal.**
- d. Proposed measures to preserve or enhance wildlife, if any:  
**This is not a site specific proposal. It is intended, in part, to recognize voluntary landowner-tribe(s) plans that protect and manage cultural resources. These plans may include wildlife.**

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.  
**Does not apply.**
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.  
**Does not apply.**
- 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:  
**Does not apply.**

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.  
**This is not a site specific proposal. The forest practices rules (Title 222 WAC) address the use of forest chemicals but do not supersede the Washington Department of Agriculture or federal regulations for safety and health.**
- 1) Describe any emergency services that might be required.  
**Does not apply.**
- 2) Propose measures to reduce or control environmental health hazards, if any:  
**This is not a site specific proposal. The forest practices rules (Title 222 WAC) address the use of forest chemicals but do not supersede the Washington Department of Agriculture or federal regulations for safety and health.**

- 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 non-project 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 non-project proposal.**
  - 3) Proposed measures to reduce or control noise impacts, if any:  
**Not applicable to this non-project 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.**
  - b. Has the site been used for agriculture? If so, describe.  
**This is not a site specific proposal. Lands subject to the Forest Practices Act (chapter 76.09 RCW) do not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agriculture purposes and the landowner intends to use the land for agricultural purposes in the future. RCW 76.09.020(9)**
  - c. Describe any structures on the site.  
**This is not a site specific proposal.**
  - d. Will any structures be demolished? If so, what?  
**This is not a site specific proposal.**
  - e. What is the current zoning classification of the site?  
**This is not a site specific proposal.**
  - f. What is the current comprehensive plan designation of the site?  
**This is not a site specific proposal. It applies to lands subject to the Forest Practices Act (chapter 76.09 RCW) that may or may not be included in a comprehensive plan.**
  - g. If applicable, what is the current shoreline master program designation of the site?  
**This is not a site specific proposal. It applies to lands subject to the Forest Practices Act (chapter 76.09 RCW) only some of which are affected by the shoreline master program. Concurrent compliance with the Shoreline Management Act is required where applicable.**
  - h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.  
**This is not a site specific proposal. The forest practices rules (Title 222 WAC) have provisions that address forest practices activities that may affect environmentally sensitive areas such as wetlands, fish and non-fish streams and water bodies, steep slopes and unstable soils. This proposal does not impact those provisions.**
  - i. Approximately how many people would reside or work in the completed project?  
**Not applicable to this non-project proposal.**
  - j. Approximately how many people would the completed project displace?  
**Not applicable to this non-project proposal.**
  - k. Proposed measures to avoid or reduce displacement impacts, if any:  
**Not applicable to this non-project proposal.**

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:  
**Not applicable to this non-project 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 proposal.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.  
**Not applicable to this proposal.**
- c. Proposed measures to reduce or control housing impacts, if any:  
**Not applicable to this 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 proposal.**
- b. What views in the immediate vicinity would be altered or obstructed?  
**Not applicable to this proposal.**
- c. Proposed measures to reduce or control aesthetic impacts, if any:  
**Not applicable to this 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 proposal.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views?  
**Not applicable to this proposal.**
- c. What existing off-site sources of light or glare may affect your proposal?  
**Not applicable to this proposal.**
- d. Proposed measures to reduce or control light and glare impacts, if any:  
**Not applicable to this proposal.**

12. Recreation

- a. What designated and informal recreation opportunities are in the immediate vicinity?  
**This is not a site specific proposal. It applies to lands subject to the Forest Practices Act (chapter 76.09 RCW) that have numerous designated and informal recreational opportunities.**
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
**The proposal, in part, recognizes voluntary landowner-tribe(s) plans that protect and manage cultural resources.. Newly identified cultural resources could possibly displace existing recreational uses of a particular site.**
- 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 non-project 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 non-project proposal applies to a wide range of sites on lands subject to the Forest Practices Act (chapter 76.09 RCW) including places and objects listed on, eligible to be listed on, or proposed for national, state, or local preservation registers.**

- 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 non-project proposal applies to a wide range of sites on lands subject to the Forest Practices Act (chapter 76.09 RCW) that contain landmarks or evidence of historic, archeological, scientific, or cultural importance.**

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

**This proposal applies to a wide range of sites on lands subject to the Forest Practices Act (chapter 76.09 RCW). It clarifies which forest practices applications require SEPA review and recognizes voluntary landowner-tribe(s) plans that protect and manage cultural resources. The clarified rule language and voluntary plans will likely reduce human caused impacts to cultural resources by identifying and protecting cultural resources prior to forest practices operations.**

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 non-project 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 non-project proposal.**

- c. How many parking spaces would the completed project have? How many would the project eliminate?

**Not applicable to this non-project 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 non-project 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 non-project 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 non-project proposal.**

- g. Proposed measures to reduce or control transportation impacts, if any:

**Not applicable to this non-project 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 non-project proposal.**

- b. Proposed measures to reduce or control direct impacts on public services, if any.

**Not applicable to this non-project 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 non-project 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 non-project 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: *Shirley Kelly*

Title: Environmental Planner 3, Forest Practices Policy

Date: 4/22/2008

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.

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?  
**This proposal would not affect any of these conditions.**

Proposed measures to avoid or reduce such increases are:  
**Not applicable to this proposal.**

2. How would the proposal be likely to affect plants, animals, fish or marine life?  
**This proposal, in part, recognizes voluntary landowner-tribe(s) plans that protect and manage cultural resources. These plans may include protection and/or management of plants, animals, fish, and/or marine life of traditional value to a Native American tribe.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are:  
**Not applicable to this proposal.**

3. How would the proposal be likely to deplete energy or natural resources?  
**There is no likelihood of this proposal depleting an energy resource or a natural resource. This proposal is intended to protect cultural resources across lands subject to the Forest Practices Act (chapter 76.09 RCW).**

Proposed measures to protect or conserve energy and natural resources are:  
**Not applicable to this proposal.**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designed (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? Proposed measures to protect such resources or to avoid or reduce impacts are:  
**This proposal amends forest practices rules WAC 222-16-010, WAC 222-16-050 (1)(f), and WAC 222-16-050 (3)(k) to more clearly define historic sites, Class IV-special applications, and Class III applications in the context of forest practices involving cultural resources. This proposal also recognizes voluntary landowner-tribe(s) plans that protect and manage cultural resources. The clarified rule language and voluntary plans will likely reduce human caused impacts to cultural resources by identifying and protecting cultural resources prior to forest practices operations.**

**The forest practices rules (Title 222 WAC) have provisions which address forest practices activities that may affect environmentally sensitive areas such as parks, fish and non-fish streams, rivers and water bodies, threatened or endangered species habitat, wetlands, steep slopes and unstable soils. This proposal does not impact those provisions.**

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:

**Does not apply to this proposal.**

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Proposed measures to reduce or respond to such demand(s) are:

**Does not apply to this proposal.**

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

**This proposal does not conflict with local, state, or federal laws that provide for cultural resources protection. This proposal relies in part on state laws in chapters 27.53 and 27.34 RCW.**

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1/26/99

Historic Sites Rule Proposal  
February 2008

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5 **WAC 222-16-010 \*General definitions.**  
6

7 **"Historic site"** includes:  
8

9 ~~—Sites, areas and structures or other evidence of human activities illustrative of the origins,~~  
10 ~~evolution and development of the nation, state or locality; or~~  
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12 ~~—Places associated with a personality important in history; or~~  
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14 ~~—Places where significant historical events are known to have occurred even though no~~  
15 ~~physical evidence of the event remains.~~  
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19 **WAC 222-16-050 Classes of forest practices.**

20 \*There are 4 classes of forest practices created by the act. All forest practices (including those in  
21 Classes I and II) must be conducted in accordance with the forest practices rules.

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

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

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

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

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

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

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- (A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than thirty-five degrees (seventy percent);
  - (B) Toes of deep-seated landslides, with slopes steeper than thirty-three degrees (sixty-five percent);
  - (C) Ground water recharge areas for glacial deep-seated landslides;
  - (D) Outer edges of meander bends along valley walls or high terraces of an unconfined meandering stream; or
  - (E) Any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes.
- (ii) The department will base its classification of the application or notification on professional knowledge of the area, information such as soils, geologic or hazard zonation maps and reports or other information provided by the applicant.
  - (iii) An application would not be classified as Class IV-Special for potentially unstable slopes or landforms under this subsection if:
    - (A) The proposed forest practice is located within a WAU that is subject to an approved watershed analysis;
    - (B) The forest practices are to be conducted in accordance with an approved prescription from the watershed analysis (or as modified through the five-year review process); and
    - (C) The applicable prescription is specific to the site or situation, as opposed to a prescription that calls for additional analysis. The need for an expert to determine whether the site contains specific landforms will not be considered "additional analysis," as long as specific prescriptions are established for such landforms.
- \* (e) Timber harvest, in a watershed administrative unit not subject to an approved watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation and local government, as high avalanche hazard where there is the potential to deliver sediment or debris to a public resource, or the potential to threaten public safety.
  - (f) Timber harvest; or construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on the following except in (iv) below.:
    - (i) archaeological sites or historic archaeological resources as defined in RCW 27.53.030; or
    - (ii) historic sites registered with eligible for listing on the National Register of Historic Places or the Washington Heritage Register as determined by the Washington state office department of archaeology and historic preservation; or
    - (iii) on sites containing evidence of Native American cairns, graves, or glyptic records; as provided for in chapters 27.44 and 27.53 RCW. The department of archaeology and historic preservation shall consult with affected Indian tribes in identifying such sites.

1 (iv) A forest practice would not be classified as class IV-special under this  
2 subsection if:

3 (a) cultural resources management strategies from an approved watershed  
4 analysis conducted under chapter 222-22 WAC are part of the  
5 proposed forest practices, and the landowner states this in the  
6 application; or

7 (b) a management plan agreed to by the landowner, the affected Indian  
8 tribe, and the department of archaeology and historic preservation is  
9 part of the proposed application, and the landowner states this in the  
10 application.

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

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

16 (2) **“Class IV - general.”** Applications involving the following circumstances are “Class IV  
17 - general” forest practices unless they are listed in “Class IV - special.”

18 (a) Forest practices (other than those in Class I) on lands platted after January 1,  
19 1960, as provided in chapter 58.17 RCW;

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

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

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

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

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

35 Upon receipt of an application, the department will determine the lead agency for  
36 purposes of compliance with the SEPA pursuant to WAC 197-11-924 and 197-11-938(4)  
37 and RCW 43.21C.037(2). Such applications are subject to a thirty-day period for  
38 approval unless the lead agency determines a detailed statement under RCW 43.21C.030  
39 (2)(c) is required. Upon receipt, if the department determines the application is for a  
40 proposal that will require a license from a county/city acting under the powers  
41 enumerated in RCW 76.09.240, the department shall notify the applicable county/city  
42 under WAC 197-11-924 that the department has determined according to WAC 197-11-  
43 938(4) that the county/city is the lead agency for purposes of compliance with SEPA.

- 1 (3) **“Class I.”** Those operations that have been determined to have no direct potential for  
2 damaging a public resource are Class I forest practices. When the conditions listed in  
3 “Class IV - Special” are not present, these operations may be commenced without  
4 notification or application.
- 5 (a) Culture and harvest of Christmas trees and seedlings.
  - 6 \*(b) Road maintenance except: Replacement of bridges and culverts across Type S, F  
7 or flowing Type Np Waters; or movement of material that has a direct potential  
8 for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.
  - 9 \*(c) Construction of landings less than one acre in size, if not within a shoreline area  
10 of a Type S Water, the riparian management zone of a Type F Water, the bankfull  
11 width of a Type Np Water, a wetland management zone, a wetland, or the  
12 CRGNSA special management area.
  - 13 \*(d) Construction of less than six hundred feet of road on a sideslope of forty percent  
14 or less if the limits of construction are not within the shoreline area of a Type S  
15 Water, the riparian management zone of a Type F Water, the bankfull width of a  
16 Type Np Water, a wetland management zone, a wetland, or the CRGNSA special  
17 management area.
  - 18 \*(e) Installation or removal of a portable water crossing structure where such  
19 installation does not take place within the shoreline area of a Type S Water and  
20 does not involve disturbance of the beds or banks of any waters.
  - 21 \*(f) Initial installation and replacement of relief culverts and other drainage control  
22 facilities not requiring a hydraulic permit.
  - 23 (g) Rocking an existing road.
  - 24 (h) Loading and hauling timber from landings or decks.
  - 25 (i) Precommercial thinning and pruning, if not within the CRGNSA special  
26 management area.
  - 27 (j) Tree planting and seeding.
  - 28 (k) Cutting and/or removal of less than five thousand board feet of timber (including  
29 live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in  
30 any twelve-month period, if not within the CRGNSA special management area.
  - 31 (l) Emergency fire control and suppression.
  - 32 (m) Slash burning pursuant to a burning permit (RCW 76.04.205).
  - 33 \*(n) Other slash control and site preparation not involving either off-road use of  
34 tractors on slopes exceeding forty percent or off-road use of tractors within the  
35 shorelines of a Type S Water, the riparian management zone of any Type F Water,  
36 or the bankfull width of a Type Np Water, a wetland management zone, a  
37 wetland, or the CRGNSA special management area.
  - 38 \*(o) Ground application of chemicals, if not within the CRGNSA special management  
39 area. (See WAC 222-38-020 and 222-38-030.)
  - 40 \*(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA  
41 special management area when applied to not more than forty contiguous acres if  
42 the application is part of a combined or cooperative project with another  
43 landowner and where the application does not take place within one hundred feet  
44 of lands used for farming, or within two hundred feet of a residence, unless such  
45 farmland or residence is owned by the forest landowner. Provisions of chapter  
46 222-38 WAC shall apply.

- 1 (q) Forestry research studies and evaluation tests by an established research  
2 organization.
- 3 \*(r) Any of the following if none of the operation or limits of construction takes place  
4 within the shoreline area of a Type S Water or the riparian management zone of a  
5 Type F Water, the bankfull width of a Type Np Water or flowing Type Ns Water,  
6 or within the CRGNSA special management area and the operation does not  
7 involve off-road use of tractor or wheeled skidding systems on a sideslope of  
8 greater than forty percent:
- 9 (i) Any forest practices within the boundaries of existing golf courses.  
10 (ii) Any forest practices within the boundaries of existing cemeteries which  
11 are approved by the cemetery board.  
12 (iii) Any forest practices involving a single landowner where contiguous  
13 ownership is less than two acres in size.
- 14 (s) Removal of beaver structures from culverts on forest roads. A hydraulics project  
15 approval from the Washington department of fish and wildlife may be required.
- 16 (4) **"Class II."** Certain forest practices have been determined to have a less than ordinary  
17 potential to damage a public resource and may be conducted as Class II forest practices:  
18 Provided, That no forest practice enumerated below may be conducted as a Class II forest  
19 practice if the operation requires a hydraulic project approval (RCW 77.55.100) or is  
20 within a "shorelines of the state," or involves owner of perpetual timber rights subject to  
21 RCW 76.09.067 (other than renewals). Such forest practices require an application. No  
22 forest practice enumerated below may be conducted as a "Class II" forest practice if it  
23 takes place on lands platted after January 1, 1960, as provided in chapter 58.17 RCW, or  
24 on lands that have been or are being converted to another use. No forest practice  
25 enumerated below involving timber harvest or road construction may be conducted as a  
26 "Class II" if it takes place within urban growth areas designated pursuant to chapter  
27 37.70A RCW. Such forest practices require a Class IV application. Class II forest  
28 practices are the following:
- 29 (a) Renewal of a prior Class II notification where no change in the nature and extent  
30 of the forest practices is required under rules effective at the time of renewal.
- 31 (b) Renewal of a previously approved Class III or IV forest practices application  
32 where:
- 33 (i) No modification of the uncompleted operation is proposed;  
34 (ii) No notices to comply, stop work orders or other enforcement actions are  
35 outstanding with respect to the prior application; and  
36 (iii) No change in the nature and extent of the forest practice is required under  
37 rules effective at the time of renewal.  
38 (iv) Renewal of a previously approved multiyear permit for forest practices  
39 within a WAU with an approved watershed analysis requires completion  
40 of a necessary five-year review of the watershed analysis.
- 41 \*(c) Any of the following if none of the operation or limits of construction takes place  
42 within the riparian management zone of a Type F Water, within the bankfull  
43 width of a Type Np Water, within a wetland management zone, within a wetland,  
44 or within the CRGNSA special management area:
- 45 (i) Construction of advance fire trails.  
46 (ii) Opening a new pit of, or extending an existing pit by, less than one acre.



- 1           \*(d) Salvage of logging residue, if none of the operation or limits of construction takes  
2 place within the riparian management zone of a Type F Water, within the bankfull  
3 width of a Type Np Water, within a wetland management zone or within a  
4 wetland; and if none of the operations involve off-road use of tractor or wheeled  
5 skidding systems on a sideslope of greater than forty percent.
- 6           \*(e) Any of the following if none of the operation or limits of construction takes place  
7 within the riparian management zone of a Type F Water, within the bankfull  
8 width of a Type Np Water, within a wetland management zone, within a wetland,  
9 or within the CRGNSA special management area, and if none of the operations  
10 involve off-road use of tractor or wheeled skidding systems on a sideslope of  
11 greater than forty percent, and if none of the operations are located on lands with  
12 a likelihood of future conversion (see WAC 222-16-060):
- 13           (i) West of the Cascade summit, partial cutting of forty percent or less of the  
14 live timber volume.
  - 15           (ii) East of the Cascade summit, partial cutting of five thousand board feet per  
16 acre or less.
  - 17           (iii) Salvage of dead, down, or dying timber if less than forty percent of the  
18 total timber volume is removed in any twelve-month period.
  - 19           (iv) Any harvest on less than forty acres.
  - 20           (v) Construction of six hundred or more feet of road, provided that the  
21 department shall be notified at least two business days before  
22 commencement of the construction.

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

- 25           (a) Those requiring hydraulic project approval (RCW 77.55.100).
- 26           \*(b) Those within the shorelines of the state other than those in a Class I forest  
27 practice.
- 28           \*(c) Aerial application of insecticides, except where classified as a Class IV forest  
29 practice.
- 30           \*(d) Aerial application of chemicals (except insecticides), except where classified as  
31 Class I or IV forest practices.
- 32           \*(e) Harvest or salvage of timber except where classed as Class I, II or IV forest  
33 practices.
- 34           \*(f) All road construction except as listed in Classes I, II and IV forest practices.
- 35           (g) Opening of new pits or extensions of existing pits over 1 acre.
- 36           \*(h) Road maintenance involving:
  - 37           (i) Replacement of bridges or culverts across Type S, F or flowing Type Np  
38 Waters; or
  - 39           (ii) Movement of material that has a direct potential for entering Type S, F or  
40 flowing Type Np Waters or Type A or B Wetlands.
- 41           (i) Operations involving owner of perpetual timber rights subject to RCW 76.09.067.
- 42           (j) Site preparation or slash abatement not listed in Classes I or IV forest practices.
- 43           (k) Harvesting, road construction, site preparation or aerial application of pesticides  
44 on lands which contain cultural, historic or archaeological resources which, at the  
45 time the application or notification is filed, are:  
46           (i) ~~On or are eligible for listing on the National Register of Historic Places; or~~

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(ii) — Have been identified to the department as being of interest to an affected Indian tribe.

- (l) Harvesting exceeding nineteen acres in a designated difficult regeneration area.
- (m) Utilization of an alternate plan. See WAC 222-12-040.
- \*(n) Any filling of wetlands, except where classified as Class IV forest practices.
- \*(o) Multiyear permits.
- \*(p) Small forest landowner long-term applications that are not classified Class IV-special or Class IV-general, or renewals of previously approved Class III or IV long-term applications.