

DETERMINATION OF NONSIGNIFICANCE

Description of proposal:

The Forest Practices Board proposes to amend WACs 222-24-050 and 222-24-051. These rules contain goals and guidelines for landowners in completing Road Maintenance and Abandonment Plans (RMAPs) and specify a deadline of July 1, 2016 for all required forest road improvement and maintenance. The economic downturn since 2008 affected forest landowners by reducing the income needed to complete road work by the 2016 deadline. This proposal would allow forest landowners to request an extension of up to five years for completing road work specified in their RMAPs. The rule would maintain the deadline of July 1, 2016, but allow for an extended deadline for up to five years if a landowner requests, and DNR reapproves the RMAP as revised.

Proponent: **Forest Practices Board**

Location of proposal, including street address, if any:

This is not a site-specific proposal. In general, the Forest Practices Act and rules (chapter 76.09 RCW and Title 222 WAC) regulate activities on Washington's non-federal and non-tribal forest lands. The lands potentially affected by this proposal are forest lands owned by Washington's private large industrial forest landowner sector. This, on a land area basis, encompasses approximately 4.6 million acres, which is about 11 percent of Washington's total land area and 20 percent of the state's forest lands.

Lead agency: **Forest Practices Board**

The lead agency 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.

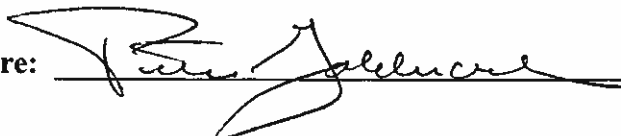
This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal before August 9, 2011. Comments must be submitted by June 30, 2011.

Responsible official: **Peter Goldmark**

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 98504-7000
(360) 902-1400**

Date: April 20, 2011

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:

Forest practices rule proposal: Extending the performance period for Road Maintenance and Abandonment Plans to July 1, 2021.

2. Name of applicant:

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 2011

5. Agency requesting checklist:

Forest Practices Board

6. Proposed timing or schedule (including phasing, if applicable):

Rule making will be initiated in 2011.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes. At the request of the Forest Practices Board, DNR is working with participants in the Forest Practices Adaptive Management Program to revise Board Manual Section 3, *Guidelines for Forest Roads*. The revisions will include procedural information and guidance, including:

- **A statewide system for Road Maintenance and Abandonment Plan (RMAP) data collection, documentation and reporting;**
- **A clear indication of how DNR will determine that road work in road maintenance and abandonment plans are complete; and**
- **Processes for DNR, tribal, and stakeholder collaboration in review of proposed RMAP work.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The proposal is based on a Forest Practices Adaptive Management Program recommendation to the Forest Practices Board on August 10, 2010. This information can be reviewed at http://www.dnr.wa.gov/Publications/bc_fp_materials_20100810.pdf, “F&F Policy’s RMAPS Proposal Recommendation-Hotvedt.”

The rules considered for amendment in this proposal were adopted in 2001. They were part of the Forests and Fish rule package that was reviewed in the Final Environmental Impact Statement on Alternatives for the Forest Practices Rules (April 2001), and reviewed later in the Final Environmental Impact Statement For the Proposed Issuance of Multiple Species Incidental Take Permits or 4(d) Rules for the Washington State Forest Practices Habitat Conservation Plan (January 2006). The former is available upon request by calling the DNR Forest Practices Division at (360) 902-1400, and the latter is available at http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp_hcp_feis.aspx. Those documents, as well as all documents cited in the footnotes herein, are incorporated by reference.

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.

No. This is not a site-specific proposal.

10. List any government approvals or permits that will be needed for your proposal, if known.

None.

11. Give a 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.)

WAC 222-24-050 currently requires all work specified in RMAPs to be completed by July 1, 2016. The Forest Practices Board is considering amendments to WACs 222-24-050 and 222-24-051 to afford the opportunity for an extension of the performance period of up to five years to 2021. RMAPs are forest landowner plans that specify and schedule the work necessary to improve and maintain forest roads to standards detailed in chapter 222-24 WAC and prevent damage to public resources.

The original completion date (15 years from the effective date of the 2001 Forests and Fish rule package) was based on an estimate of the time landowners would reasonably need to fund and accomplish their road improvements. The Board is considering this rule amendment because of the financial hardship forest landowners have experienced since the 2008 economic downturn and its effect on home construction and timber prices. Landowners depend on the revenue from harvests to accomplish their road improvements, and with reduced revenues some landowners are having difficulty completing their road improvements as scheduled in their RMAPs.

The proposal is the result of a recommendation to the Board on August 10, 2010 from the Forest Practices Adaptive Management Program's Policy Committee (Policy). The recommendation and other information presented to the Board at its August 10, 2010 meeting can be reviewed at http://www.dnr.wa.gov/Publications/bc_fp_materials_20100810.pdf, "F&F Policy's RMAPS Proposal Recommendation-Hotvedt."

The recommendation includes a comprehensive approach to responding to forest landowner cash flow challenges resulting from the economic recession. An integral component is a commitment by all participants in Forest Practices Adaptive Management Program caucuses to secure additional funding to accelerate fish passage improvements on small forest landowner land (via the Family Forest Fish Passage Program) and to help fund road and barrier improvements on county roads. These components will provide greater assurance that barrier removals under the RMAPs program will have a positive impact for fish habitat because it will increase the likelihood that downstream barriers not subject to the RMAPs program will be removed sooner rather than later.

In addition, concurrent with this rule making proposal, the Forest Practices Board is conducting rule making to make sure that watershed analysis prescriptions will not increase the risk, frequency, and severity of mass wasting events.¹ This will further ensure public resource protection while road work under the RMAPs program is being completed. Please refer to the answers to questions 3 and 4 in section D for an explanation of other forest practices rules that protect resources regardless of RMAPs schedules.

If approved by the Forest Practices Board, the extension opportunity would be available to large forest landowners required to submit and complete RMAPs per WACs 222-24-050 and 222-24-051. However, the Department of Natural Resources and

¹ Information about this rule making activity is available at http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesRules/Pages/fp_rules_activity.aspx.

the Department of Fish and Wildlife do not plan to request an extension for RMAP work on state forest land, so these state-managed lands will not be affected by the proposal. Thus, the proposal would affect only the subset of forest landowners in Washington's private large industrial forest sector who decide to request an extension of their RMAP completion deadline.² The approximate acreage of forest lands that may be affected by the proposed rule is discussed under question 12, below.

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. In general, the Forest Practices Act and rules (chapter 76.09 RCW and Title 222 WAC) regulate activities on Washington's non-federal and non-tribal forest lands. However, as indicated in the answer to question 11, the affected lands will not include state-managed lands; therefore, the lands affected are forest lands owned by Washington's private large industrial forest landowner sector.³ This, on a land area basis, encompasses approximately 4.6 million acres, which is about 11 percent of Washington's total land area and 20 percent of the state's forest lands.⁴

B. ENVIRONMENTAL ELEMENTS

1. Earth

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountains, other ...
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils (for example, clay, sand, gravel, peat, muck)? If you know

² Please note that a few small forest landowners have completed RMAPs under WACs 222-24-050 and 222-24-051. Small forest landowners (defined in the definition of "forest landowner" in WAC 222-16-010) have simplified requirements for road maintenance and abandonment planning as stipulated in WAC 222-24-0511.

³ Although, a few small forest landowners have completed RMAPs under WACs 222-24-050 and 222-24-051.

⁴ These land areas were derived from the acreage estimates from the following sources:

- Municipal Research and Services Center of Washington (<http://www.mrsc.org/>); 42.6 million acres (rnd) in Washington.
- Forest Practices HCP (http://www.dnr.wa.gov/Publications/fp_hcp_07ch1.pdf), chapter 1, p. 20; 23.2 million (rnd) forest land acres in Washington.
- Bolsinger, C.L., N. McKay, D.R. Gedney, and C. Alerich, *Washington's Public and Private Forests*, USDA Forest Service, Pacific Northwest Research Station, Resource Bulletin PNW-RB-218, Portland, OR, January 1997; 4.6 million acres (rnd) of private industrial forest lands in Washington.

- the classification of agricultural soils, specify them and note any prime farmland.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
 - e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
 - f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
 - g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
 - h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

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.
- 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.
- 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.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
- 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.

b. Ground:

- 1) Will groundwater be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
- 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.

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.
- 2) Could waste material enter ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

4. Plants

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

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

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

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

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

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:

This is not a site-specific proposal; not applicable.

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

This is not a site-specific proposal; not applicable.

- c. Is the site part of a migration route? If so, explain.

This is not a site-specific proposal; not applicable.

- d. Proposed measures to preserve or enhance wildlife, if any:

Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts to wildlife.

6. Energy and Natural Resources

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- 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:

7. Environmental Health

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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.
- 1) Describe any emergency services that might be required.
 - 2) Propose measures to reduce or control environmental health hazards, if any:
- b. Noise
- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
 - 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.
 - 3) Proposed measures to reduce or control noise impacts, if any:

8. Land and Shoreline Use

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. What is the current use of the site and adjacent properties?

- b. Has the site been used for agriculture? If so, describe.
- c. Describe any structures on the site.
- d. Will any structures be demolished? if so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. Housing

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and Glare

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. What kind of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

11. Recreation

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. What designated and informal recreation opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any:

13. Historic and Cultural Preservation

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

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

14. Transportation

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans if any.
- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- 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).
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public Services

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

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

16. Utilities

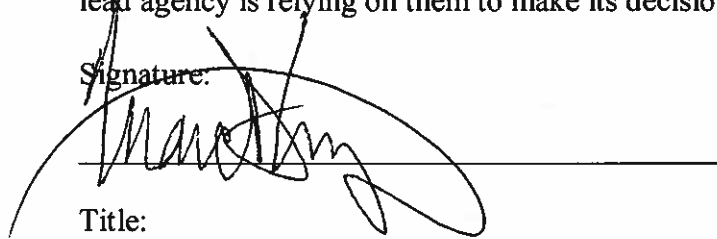
This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- 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.

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:



Title:

Forest Practices Assistant Division Mgr

Date:

April 4, 2011

**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS
(Do not use this sheet for project action)**

Questions for Nonproject Actions

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?

Discharge to water is the only listed condition in question 1 that could apply to the proposal.

The rule proposal is not expected to cause increases in discharge of sediment from forest roads. While the proposal would result in a delay of some road improvement, available information related to RMAPs progress suggests that a majority of RMAPs are now either on or ahead of schedule, and the work remaining during the proposed extension period may be minor.

- Prior to the Adaptive Management Program's recommendation to the Forest Practices Board on August 10, 2010, the Staff Work Group to the Adaptive Management Program's Road Policy Work Group compiled information to help evaluate the consequences of extending the implementation period for RMAPs. In the spring of 2010, the work group asked DNR RMAPs specialists to provide professional opinions on the performance of a sample of RMAPs in their DNR regions. The results, in part, indicated, "... that while most RMAPs (59%) have experienced significant implementation delays, a majority (79%) of them are now either on or ahead of schedule..."⁵
- A recent study conducted through the Forest Practices Adaptive Management Program reported a high percentage of RMAP work complete or already meeting road rule standards. Researchers sampled the characteristics of forest roads in 60 random four-square-mile blocks across the state between 2006 and 2008 – only five to seven years after the RMAPs rules were adopted, and eight to twelve years before the current expiration date. The study concluded, "... (a) high percentage of roads in the sample units were reported to either have RMAP work complete, or already be up to current road rule standards, with over half of the sample units reported to have at least 85 percent of road length meeting standards."⁶ The study also found that only 11 percent of the road network was hydrologically connected and assumed to deliver water and sediment to a stream or wetland, that 62 percent of the sample units met the Forests and Fish Report (FFR) hydrology performance target, and that 88 percent of the sample units met the FFR sediment performance targets.

Furthermore, it is important to note that the work already completed under the RMAPs process has been found effective in minimizing sediment delivery to streams. Another study,

⁵ Road Policy Staff Work Group Report, May 2010, p. 7. From the Forest Practices Adaptive Management Program recommendation to the Forest Practices Board on August 10, 2010.

http://www.dnr.wa.gov/Publications/bc_fp_materials_20100810.pdf, "F&F Policy's RMAPS Proposal Recommendation-Hotvedt."

⁶ Washington Road Sub-Basin Scale Effectiveness Monitoring First Sampling Event (2006-2008) Report, p. 60. September 2010. http://www.dnr.wa.gov/publications/fp_cmer_08_801.pdf

performed by Martin Environmental for the Washington Forest Protection Association in 2008, found that the majority (73 percent) of the roads in 179 randomly selected land sections (1,047 miles of road) had a low probability of delivering sediment to a typed water course. The data showed that 82 percent of the entire road length studied had either low delivery potential or was hydrologically disconnected. This result was attributed to road planning, relocation, abandonment, and disconnection activities that have occurred under the RMAP process. Because the data were spatially representative, it was assumed that the results are reflective of the road conditions on most large private forest lands in Washington.⁷

Finally, it has been found that unused road surfaces typically contribute insignificant amounts of sediment compared to an active haul road surface.⁸

Proposed measures to avoid or reduce such increases are:

The existing forest practices rules require roads to be constructed and maintained so as not to result in sediment and surface water delivery from forest roads to any typed water in amounts that preclude achieving desired fish habitat and water quality (WAC 222-24-010(2)), and minimize impacts to water quality apart from the RMAPs schedules:

- WAC 222-24-051(10): Regardless of RMAPs schedules, roads that are currently used or proposed to be used for timber hauling must be maintained in a condition that prevents potential or actual damage to public resources.
- WAC 222-24-051(11): The RMAP rules do not supersede the Department of Natural Resources' authority to regulate impacts associated with individual forest practices activities. If a landowner is found to be out of compliance with the work schedule of an approved RMAP and DNR determines that this work is necessary to prevent potential or actual damage to public resources, then DNR will exercise its authority under WACs 222-46-030 (notice to comply) and -040 (stop work order) to require completion of necessary work and restrict use of the affected road segment until required road work is completed.
- WAC 222-24-051(12): If a landowner is notified by the department that their road has the potential to damage public resources, the landowner must, within 90 days, submit to DNR for review and approval a plan or plans to mitigate resource damage for those drainages or road systems within the area identified by DNR.

In addition to the RMAPs progress and effectiveness to date, and the current design of the rules to protect public resources during the RMAPs performance period, the following measures are expected to help provide certainty that the road work in RMAPs will continue to be accomplished in accordance with the “worst first” and “even flow” principals already specified in the forest practices RMAP rules⁹:

- Forty-five days will be provided for the departments of ecology and fish and wildlife, affected tribes and interested parties to review a landowners' revised RMAPs, and

⁷ Martin, D., Forest Road Runoff Disconnection Survey of Private Timberlands in Washington, January 30, 2009. This document found in Forests and Fish Policy Recommendation to Extend Road Maintenance and Abandonment Plan Deadline, p. B-2. July 19, 2010. http://www.dnr.wa.gov/Publications/bc_fp_materials_20100810.pdf

⁸ Watershed Analysis Manual, Appendix B, Surface Erosion, Table 8. http://www.dnr.wa.gov/Publications/fp_wsa_manual_appb.pdf

⁹ WACs 222-24-050 and -051.

provide input to DNR prior to its decision whether to approve or disapprove extensions.

- DNR is developing a statewide database (Forest Practices RMAP Status database) to facilitate the review of scheduled and completed RMAPs work by all interested parties (DNR, tribes, the departments of ecology and fish and wildlife, and other stakeholders). The effectiveness of this tool will improve over time and will be especially helpful in assessing and prioritizing fish passage barriers.
- Landowners must submit their requests for extensions by their RMAP anniversary date in 2014, two years before their original RMAPs deadline. This requirement provides an opportunity for DNR and stakeholders to assess which work can still be accomplished by 2016 that will benefit public resources the most.

Finally, as indicated in the description of the proposal in section A, Forest Practices Board activities concurrent with this rule making are expected to contribute environmental benefits overall while road work under the RMAPs program is being completed. First, the Board is conducting rule making to make sure that watershed analysis prescriptions will not increase the risk, frequency, and severity of mass wasting events. Second, the Board has endorsed a comprehensive approach that goes hand-in-hand with the RMAPs rule proposal. In part, this approach includes a commitment by all participants in Forest Practices Adaptive Management Program caucuses to secure additional funding to accelerate fish passage improvements on small forest landowner land (via the Family Forest Fish Passage Program) and to help fund barrier improvements on county roads. These actions will enhance fish habitat by addressing water quality and fish passage barrier concerns.

2. How would the proposal be likely to affect plants, animals, fish or marine life?

The proposal is an extension of the deadline for forest road improvement work on the state's private large industrial forest lands statewide, as explained in questions 11 and 12 of section A. The overall goal of accomplishing this work is to protect water quality and restore riparian habitat¹⁰; therefore, to the extent that landowners of these lands need to delay a portion of their road improvements for up to five years, the benefits to water quality and riparian habitat will also be delayed for up to five years. Though "worst first", "even flow", and other measures are expected to minimize or avoid the delay of the benefits or occurrence of impacts, delays in road work could directly or indirectly affect riparian life at specific locations in the following ways:

- The proposal will potentially allow some existing fish passage barriers to remain on the landscape for up to five years beyond 2016. Water crossing structures can affect fish passage. Structures in fish bearing streams must be appropriately sized and placed to allow for fish passage, including passage during high and low flow events. Inadequately engineered structures can cause excessive water velocity, poor retention of bed load (natural sediment and rock within a stream), and obstruction of water and debris. These are conditions that fish may not be physically capable of overcoming. Undersized structures can exacerbate shallow water depths in low flow periods and increase velocity in high flow events, both of which can hinder or prevent fish passage. Barriers to fish passage in a stream system prevent the system from reaching its natural productive capacity for fish. Water crossing structures can also affect the

¹⁰ WAC 222-24-010(2).

natural movement of debris. The rules require structures to be appropriately engineered to accommodate 100-year flow events and passage of some debris.¹¹ They can become plugged, dislodged from their road beds and forced downstream, scouring and eroding stream banks, removing trees and large woody debris, and causing the removal of spawning gravel from stream beds which will ultimately affect fish populations. Storm events and the likelihood that existing structures will fail is impossible to predict; thus, whether crossing structures that are allowed to remain beyond 2016 will fail and cause impacts, is speculative. There is, however, the chance this will occur in one or more locations, having a localized and temporary impact on the downstream environment.

- Roads must be constructed and maintained so as not to result in the delivery of sediment and surface water to any typed water in any amounts that preclude achieving desired fish habitat and water quality.¹² Sedimentation can cause siltation and turbidity, conditions that have been shown to adversely affect fish at all life stages.¹³ Fine sediment can smother salmonid redds and fill interstitial spaces in gravels which affect spawning success. Suspended sediment in water (turbidity) may reduce primary productivity of algae and associated microorganisms due to decreases in light penetration, which in turn affects the productivity of higher trophic levels (macroinvertebrates and fish).¹⁴ It can also interfere with feeding behavior and cause gill damage in fish.¹⁵ As explained under question 1, the RMAP re-approval proposal is not anticipated to directly cause sediment delivery to levels posing a potential damage to public resources because forest landowners must minimize sediment delivery from entering streams under the forest practices rules regardless of the RMAP completion date. It is possible that forest roads constructed before the Forests and Fish rules were adopted could cause such effects until they are detected; however, as explained in question 1, we have concluded that an adjustment of some RMAPs schedules would not create potential damage to public resources via sediment delivery due to DNR's existing authority to address these issues. Please see question 1 for a more detailed explanation of how we drew that conclusion.

Assessing the proposal's impacts on fish, including salmonids, is an extremely difficult endeavor. Forest road networks cross many different land ownerships, some of which are subject to Forest Practices Act jurisdiction, and many of which are not. Fish passage barriers exist on all streams in Washington; they are ubiquitous on most stream systems, and involve many landowners not subject to the Forest Practices Act. The State¹⁶ lacks comprehensive survey information of fish passage barriers located on small forest landowner and non-forest ownerships. Complicating the picture, the life histories of fish, particularly anadromous species, may involve years spent in both freshwater and saltwater environments. This variety of habitat use can present an enormous array of environmental pressures on fish, one of

¹¹ WAC 222-24-040 (2) and (3).

¹² WAC 222-24-010(2).

¹³ Final EIS for the Proposed Issuance of Multiple Species Incidental Take Permits or 4(d) Rules for the Washington State Forest Practices Habitat Conservation Plan, p. 3-41. January 2006.
http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesHCP/Pages/fp_hcp_feis.aspx , accessed January 20, 2011.

¹⁴ Ibid. p. 3-98.

¹⁵ Ibid.

¹⁶ Washington Department of Fish and Wildlife.

which is fish passage barriers in the forested environment.

The number and geographic location of inadequately sized water crossing structures that would remain in place post-2016 cannot be precisely known. It is impossible to isolate the precise impacts of a five-year delay in the remediation of these barriers from other environmental impacts that fish may face in their life journey.

However, according to data collected from DNR, landowners are generally doing their best to make progress with their RMAPs despite the effects of the economic downturn on the entire industry. All of the work in 20 of the 262 RMAPs statewide has been completed ahead of schedule, and according to the Forest Practices 2010 RMAP Accomplishment Report¹⁷, with six years remaining under the current 2016 deadline:

- Over half of the fish passage barriers had been removed (3769 out of more than 7000), opening over 1,700 miles of fish habitat; and
- Over 20,000 miles of roads had been improved to meet the forest practices rule standards. (To date, DNR has not collected or tracked road miles needing improvement. Beginning in the 2011 work season, DNR will work with landowners to acquire this information and it will be required in the 2012 accomplishment reports.)

Without the proposed rule, after the expiration of the RMAPs performance period on July 1, 2016, any unresolved water crossing and road condition issues will need to be addressed by DNR using administrative enforcement actions on a road-by-road, location-by-location basis. This approach to address the remaining RMAP forest road issues would be highly inefficient and could result in the loss of Clean Water Act assurances, making it necessary for the Washington Department of the Ecology to determine the Total Maximum Daily Load on each forest stream not meeting water quality standards. This would be costly for the state, costly for private large industrial forest landowners, and perhaps most importantly, may not lead to a more timely result than the proposed rule. By allowing RMAP extensions for landowners who need them, the proposed rule will help to ensure that their remaining forest road repairs delayed by the economic recession will be completed on a worst-first, even-flow schedule, and in a coordinated, orderly manner. This would achieve the best possible results for fish as soon as possible.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

As explained under question 1, the following measures are expected to help provide certainty that the road work in RMAPs will continue to be accomplished in accordance with the “worst first” and “even flow” principals already specified in the forest practices RMAP rules¹⁸:

- Forty-five days will be provided for the departments of ecology and fish and wildlife, affected tribes and interested parties to review a landowner’s revised RMAP, and to provide input to DNR in its decision whether to approve or disapprove an extension.
- DNR is developing a statewide database (Forest Practices RMAP Status database) to facilitate the review of scheduled and completed work by all interested parties (DNR, tribes, the departments of ecology and fish and wildlife, and other stakeholders).

¹⁷ Available upon request from the Department of Natural Resources Forest Practices Division.

¹⁸ WACs 222-24-050 and -051.

- Landowners must submit their requests for extensions in 2014, two years before their original RMAPs deadline. This requirement provides an opportunity for DNR to assess which work can still be accomplished by 2016 that will benefit public resources the most.

Also, it is important to note that the forest practices rules as a whole are designed to protect aquatic resources and wildlife habitat:

- Soil compaction/productivity is addressed through equipment limitation zones; protection of sensitive sites; ensuring ground based logging operations are conducted in a manner that does not damage exposed erodible soils or public resources; and reforestation requirements.
- Sediment filtering is accomplished through road construction and maintenance rules; equipment limitation zones; yarding and harvest rules; riparian and wetland management zone rules; watershed analysis rules; and application processing rules for protection of unstable slopes.
- Shade and nutrient cycling is addressed through riparian shade and leave tree requirements.
- Woody debris is provided through downed wood and riparian leave tree requirements; in addition, harvest rules require wildlife reserve and green recruitment trees to be maintained.
- Bank stability is regulated through riparian leave tree requirements, equipment limitation zones, and yarding corridor rules.

Finally, as indicated in the description of the proposal in section A and in question 1 in this section, Forest Practices Board activities concurrent with this rule making are expected to contribute environmental benefits overall while road work under the RMAPs program is being completed. First, the Board is conducting rule making to make sure that watershed analysis prescriptions will not increase the risk, frequency, and severity of mass wasting events. Second, the Board has endorsed a comprehensive approach that goes hand-in-hand with the RMAPs rule proposal. In part, this approach includes a commitment by all participants in Forest Practices Adaptive Management Program caucuses to secure additional funding to accelerate fish passage improvements on small forest landowner land (via the Family Forest Fish Passage Program) and to help fund barrier improvements on county roads. These actions will enhance fish habitat by addressing water quality and fish passage barrier concerns.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal would affect riparian life as explained in question 2.

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?

As indicated in the response to question 2, it is not possible to isolate the environmental effects of the proposal from those caused by other land uses, jurisdictions, and habitat

problems that are not subject to the Forest Practices Act and rules.

Possible impacts from the proposal on listed species are twofold.

- There is the potential for a delay in removing barriers to fish passage for up to five years. Barrier removal may increase fish access to potential upstream habitat, which, in turn, may facilitate increased populations of threatened or endangered fish by providing access to historic habitat. The potential delayed benefits and impacts are explained in more detail under question 2.
- There is also the potential that some delay in road improvements could cause a delay in addressing previously unidentified road-related sediment discharges to streams, which could affect threatened and endangered salmon and bull trout habitat as is described under the heading, “Sedimentation” in question 2. However, as explained in question 1, we have concluded that an adjustment of some RMAPs schedules would not create potential damage to public resources via sediment delivery due to DNR’s existing authority to address these issues. Please see question 1 for a more detailed explanation of how we drew that conclusion.

A possible impact is that some culverts and bridges could fail during the time that their replacement is delayed, thereby increasing the possibility of impacts on environmentally sensitive sites downstream. As explained under question 2, if water crossing structures are not appropriately engineered to accommodate flood water flows and passage of some debris, they can become plugged, dislodged from their road beds, and forced downstream. The forest practices road rules require all permanent bridges and culverts over non-fish waters to be designed and installed to pass the 100-year flood event.¹⁹ This is to reduce the likelihood of catastrophic road failures, thereby preventing debris torrents and subsequent damage to natural resources, capital improvements, and personal property, as well as preventing a risk to public safety.

Proposed measures to protect such resources or to avoid or reduce impacts are:

As explained in question 2, concurrent with this rule making DNR is developing a statewide database (Forest Practices RMAP Status database), in part to help provide certainty that the road work in RMAPs will be accomplished on a worst first and even flow basis. We believe this measure, along with the involvement of landowners and stakeholders in providing input to DNR in the decision to allow RMAPs schedule adjustments, and the 2014 deadline to request an extension of an RMAPs schedule, will help ensure that the road work with most potential to prevent damage to public resources will be given the highest priority in adjusted schedules if the rule is adopted.

Furthermore, the following forest practices rules are designed to protect environmentally sensitive areas and resources:

- Chapter 222-24 WAC, *Road Construction and Maintenance*, contains rules to conserve or restore habitat for listed salmonid species, bull trout, and riparian dependent amphibians, as well as to provide for fish passage for all fish species at all life stages.

¹⁹ WAC 222-24-040 (2) and (3).

- WAC 222-16-080, *Critical habitats of threatened and endangered species*, provides for protection of threatened and endangered species habitat.
- WAC 222-20-120, *Notice of forest practices to affected Indian tribes*, addresses protection of cultural resources and historic sites.
- Chapter 222-30, *Timber harvesting*, contains prescriptions for the protection of wetlands and other sensitive riparian areas (seeps, springs and alluvial fans).
- WAC 222-16-050, *Classes of forest practices*, and WAC 222-10-030, *SEPA policies for potentially unstable slopes and landforms*, require a process to ensure that proposed timber harvest or road construction on unstable slopes or landforms will not be allowed if the activity has the potential to deliver sediment or debris to a public resource.

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:

This proposal will not affect land and shoreline uses.

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:

The question 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. Furthermore, it does not conflict with the Forest Practices Habitat Conservation Plan (HCP) because it is an Adaptive Management Program recommendation to the Forest Practices Board.²⁰ The Adaptive Management Program is integral to the Forests and Fish Habitat Conservation Plan (HCP).

²⁰ See RCW 76.09.370(6) and WAC 222-12-045 for information on the Adaptive Management Program. Also see Forests and Fish Policy's RMAPS Proposal at http://www.dnr.wa.gov/Publications/bc_fp_materials_20100810.pdf.

Forest Practices Board
November 2010
Proposed language for 30-day review on
Extension of RMAP Forest Road Work Completion Date

WAC 222-24-050 *Road maintenance and abandonment.

The goals for road maintenance are established in WAC 222-24-010. Guidelines for how to meet these goals and standards are in ~~the~~ board manual section 3. Replacement will not be required for existing culverts functioning with little risk to public resources or for culverts installed under an approved forest practices application or notification and are capable of passing fish, until the end of the culvert's functional life.

The goals for road maintenance outlined in this chapter are expected to be achieved by July 1, 2016. The strategies for achieving the goals are different for large forest landowners and small forest landowners.

For large forest landowners, all forest roads must be improved and maintained to the standards of this chapter prior to July 1, 2016; however, landowners may request an extension of up to five years, or July 1, 2021 as outlined in WAC 222-24-051. Work performed toward meeting the standards must generally be even flow over the ~~fifteen-year performance~~ period with priorities for achieving the most benefit to the public resources early in the period. These goals will be achieved through the road maintenance and abandonment plan process outlined in WAC ~~22-24-051~~222-24-051.

For small forest landowners, the goals will be achieved through the road maintenance and abandonment plan process outlined in WAC 222-24-0511, by participation in the state-led family forest fish passage program, and by compliance with the Forest Practices Act and rules. The purpose of the family forest fish passage program is to assist small forest landowners in providing fish passage by offering cost-share funding and prioritizing projects on a watershed basis, fixing the worst fish passage barriers first. The department, in consultation with the departments of ecology and fish and wildlife, will monitor the extent, effectiveness, and progress of checklist road maintenance and abandonment plan implementation and report to the legislature and the board by December 31, 2008, and December 31, 2013.

WAC 222-24-051 *Large forest landowner road maintenance schedule.

All forest roads must be included in an approved road maintenance and abandonment plan by July 1, 2006. This includes all roads that were constructed or used for forest practices after 1974. Inventory and assessment of orphan roads must be included in the road maintenance and abandonment plans as specified in WAC 222-24-052(4).

- *(1) Landowners must maintain a schedule of submitting plans to the department that cover 20% of their roads or land base each year.
- (2) For those portions of their ownership that fall within a watershed administrative unit covered by an approved watershed analysis plan, chapter 222-22 WAC, landowners may follow the watershed administrative unit-road maintenance plan, providing the roads they own are covered by the plan. A proposal to update the road plan to meet the current road maintenance standards must be submitted to the department for review on or before the next scheduled road maintenance plan review. If annual reviews are not required as part of the watershed analysis road plan, the plan must be updated by October 1, 2005. All roads in the

1 | planning area must be in compliance with the current rules by July 1, 2016 or by the
2 | extension deadline.

3 | *(3) Plans will be submitted by landowners on a priority basis. Road systems or drainages in
4 | | which improvement, abandonment or maintenance have the highest potential benefits to the
5 | public resource are the highest priority. Based upon a “worst first” principle, work on roads
6 | that affect the following are presumed to be the highest priority:

- 7 | (a) Basins containing, or road systems potentially affecting, waters which either contain
8 | a listed threatened or endangered fish species under the federal or state law or a water
9 | body listed on the current 303(d) water quality impaired list for road related issues.
- 10 | (b) Basins containing, or road systems potentially affecting, sensitive geology/soils areas
11 | with a history of slope failures.
- 12 | (c) Road systems or basins where other restoration projects are in progress or may be
13 | planned coincident to the implementation of the proposed road plan.
- 14 | (d) Road systems or basins likely to have the highest use in connection with future forest
15 | practices.

16 | *(4) Based upon a “worst first” principle, road maintenance and abandonment plans must pay
17 | particular attention to:

- 18 | (a) Roads with fish passage barriers;
- 19 | (b) Roads that deliver sediment to typed water;
- 20 | (c) Roads with evidence of existing or potential instability that could adversely affect
21 | public resources;
- 22 | (d) Roads or ditchlines that intercept ground water; and
- 23 | (e) Roads or ditches that deliver surface water to any typed waters.

24 | *(5) Road maintenance and abandonment plans must include:

- 25 | (a) Ownership maps showing all forest roads, including orphan roads; planned and
26 | potential abandonment, all typed water, Type A and B Wetlands that are adjacent to
27 | or crossed by roads, stream adjacent parallel roads and an inventory of the existing
28 | condition; and
- 29 | (b) Detailed description of the first years work with a schedule to complete the entire
30 | | plan within fifteen-yearsthe performance period; and
- 31 | (c) Standard practices for routine road maintenance; and
- 32 | (d) Storm maintenance strategy that includes prestorm planning, emergency maintenance
33 | and post storm recovery; and
- 34 | (e) Inventory and assessment of the risk to public resources or public safety of orphaned
35 | roads; and
- 36 | (f) The landowner or landowner representative’s signature.

37 | *(6) Priorities for road maintenance work within plans are:

- 38 | (a) Removing fish passage barriers beginning on roads affecting the most habitat first,
39 | generally starting at the bottom of the basin and working upstream;
- 40 | (b) Preventing or limiting sediment delivery (areas where sediment delivery or mass
41 | wasting will most likely affect bull trout habitat will be given the highest priority);
- 42 | (c) Correcting drainage or unstable sidecast in areas where mass wasting could deliver to
43 | public resources or threaten public safety;
- 44 | (d) Disconnecting road drainage from typed waters;
- 45 | (e) Repairing or maintaining stream-adjacent parallel roads with an emphasis on
46 | minimizing or eliminating water and sediment delivery;
- 47 | (f) Improving hydrologic connectivity by minimizing the interruption of surface water
48 | drainage, interception of subsurface water, and pirating of water from one basin to

- 1 another; and
- 2 (g) Repair or maintenance work which can be undertaken with the maximum operational
- 3 efficiency.
- 4 *(7) Initial plans must be submitted to the department during the year 2001 as scheduled by the
- 5 department.
- 6 *(8) Requests to extend the completion date of road maintenance and abandonment plans may be
- 7 granted for up to five years, or July 1, 2021. Requests must be made at least 120 days prior
- 8 to the initial plan's anniversary date in 2014.
- 9 (a) Landowner requests for an extension must include:
- 10 (i) The length of time for the extension period; and
- 11 (ii) A revised road maintenance and abandonment plan meeting elements (3) – (6) of
- 12 this section.
- 13 (b) The department shall provide up to forty five days for the departments of ecology and
- 14 fish and wildlife, affected tribes and interested parties to review revised road
- 15 maintenance and abandonment plans;
- 16 (c) The department will approve or disapprove the extension request and revised road
- 17 maintenance and abandonment plan at least thirty days prior to the anniversary date of
- 18 the initial plan's submittal; and
- 19 (d) Upon approval of the extension request and revised road maintenance and
- 20 abandonment plan, landowners must meet element (9) of this section.
- 21 *(9) Each year on the anniversary date of the plan's submittal, landowners must report work
- 22 accomplished for the previous year and submit to the department a detailed description of
- 23 the upcoming year's work including modifications to the existing work schedule.
- 24 The department's review and approval will be conducted in consultation with the
- 25 departments of ecology, ~~the department of and~~ fish and wildlife, affected tribes and
- 26 interested parties. The department will:
- 27 (a) Review the progress of the plans annually with the landowner to determine if the
- 28 plan is being implemented as approved; and
- 29 (b) The plan will be reviewed by the department and approved or returned to the
- 30 applicant with concerns that need to be addressed within forty-five days of the plan's
- 31 submittal.
- 32 (c) Additional plans will be signed by the landowner or the landowner's representative.
- 33 *(910) The department will facilitate an annual water resource inventory area (WRIA) meeting with
- 34 landowners, the departments of fish and wildlife, ~~the department of and~~ ecology, affected
- 35 tribes, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, affected
- 36 counties, local U.S. Forest Service, watershed councils, and other interested parties. The
- 37 purpose of the meeting is to:
- 38 (a) Suggest priorities for road maintenance and abandonment planning; and
- 39 (b) Exchange information on road maintenance and stream restoration projects.
- 40 *(1011) Regardless of the schedule for plan development, roads that are currently used or
- 41 proposed to be used for timber hauling must be maintained in a condition that prevents
- 42 potential or actual damage to public resources. If the department determines that log haul on
- 43 such a road will cause or has the potential to cause material damage to a public resource, the
- 44 department may require the applicant to submit a plan to address specific issues or segments
- 45 on the haul route.
- 46 *(1112) If a landowner is found to be out of compliance with the work schedule of an
- 47 approved road maintenance and abandonment plan and the department determines that this
- 48 work is necessary to prevent potential or actual damage to public resources, then the

1 department will exercise its authority under WAC 222-46-030 (notice to comply) and WAC
2 222-46-040 (stop work order) to restrict use of the affected road segment.

3 (a) The landowner may submit a revised maintenance plan for maintenance and
4 abandonment and request permission to use the road for log haul.

5 (b) The department must approve use of the road if the revised maintenance plan
6 provides protection of the public resource and maintains the overall schedule of
7 maintenance of the road system or basin.

8 | *~~(1213)~~ If a landowner is notified by the department that their road(s) has the potential to
9 damage public resources, the landowner must, within 90 days, submit to the department for
10 review and approval a plan or plans for those drainages or road systems within the area
11 identified by the department.

12 | *~~(14)~~ The department will notify the departments of ecology, and fish and wildlife, affected tribes
13 and interested parties if actions taken under this section result in a change to an approved
14 RMAP.
15