EXPEDITED RULE MAKING

CR-105 (December 2017)
(Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: May 21, 2024
TIME: 10:27 AM

WSR 24-11-124

Agency: Forest Practices Board

Title of rule and other identifying information: (describe subject) Chapter 222-21 WAC Forestry Riparian Easement Program

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rule making will amend the Forestry Riparian Easement Program rules to implement Substitute Senate Bill 5667. Amended WACs include: WAC 222-21-005; 222-21-010; 222-21-030; 222-21-045; 222-21-050 and 222-21-080.

The purpose is to better serve the small forest landowner community by amending the existing Forestry Riparian Easement rules to: clarify the definitions of “qualifying timber” and “completion of harvest”; shortening the term of the easement from 50 years to 40 years; change the date used for easement valuation from the date the small forest landowner office receives the forest riparian easement application to the date of the completion of harvest; increase compensation from the current 50-89% of the value of the trees left in the buffer to 90% of the value; eliminate the high impact regulatory threshold determination; and increase the cap on funding available for landowners with qualifying timber on rule defined unstable slopes located in and adjacent to the forestry riparian area from $50,000 to $150,000 per landowner per biennium.

Reasons supporting proposal: To change the forest practices rules to implement the legislative changes to the Forestry Riparian Easement Program. March of 2024 the Washington State Legislature passed Substitute Senate Bill (SSB) 5667 which amended RCW 76.13.120 and RCW 76.13.140. This bill was signed on March 18th and will become effective on June 6, 2024.

Statutory authority for adoption: RCW 76.09.040

Statute being implemented: RCW 76.13.120 and RCW 76.13.140

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

Name of proponent: (person or organization) Forest Practices Board

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Maggie Franquemontl	1111 Washington Street SE, Olympia	564.233.8359
Implementation:	Karen Zirkle	1111 Washington Street SE, Olympia	564.200.4702
Enforcement:	Saboor Jawad	1111 Washington Street SE, Olympia	360.742.7130

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

☒ Relates only to internal governmental operations that are not subject to violation by a person;

☐ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

☒ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

☒ Content is explicitly and specifically dictated by statute;

☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or

☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

☐ The rule is no longer necessary because of changed circumstances; or

☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The rule amendments meet the criteria for expedited rule making by implementing statute that was changed by the 2024 Legislature.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Other:

AND RECEIVED BY (date) July 25, 2023

Date: May 20, 2023	**Signature:** Place signature here Lenny Young
Name: Leonard Young	
Title: Chair	