
HOUSE BILL 2106

State of Washington

57th Legislature

2001 Regular Session

By Representatives Sump, Doumit and Pearson

Read first time 02/14/2001. Referred to Committee on Natural Resources.

1 AN ACT Relating to extending the time for the forest practices
2 board to complete rule making required to implement the forests and
3 fish report; amending RCW 76.09.370; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 76.09.370 and 1999 sp.s. c 4 s 204 are each amended to
6 read as follows:

7 (1) The legislature finds that the process that produced the
8 forests and fish report was instigated by the forest practices board,
9 the report is the product of considerable negotiations between several
10 diverse interest groups, and the report has the support of key federal
11 agencies. When adopting permanent rules under this section, the forest
12 practices board is strongly encouraged to follow the recommendations of
13 the forests and fish report, but may include other alternatives for
14 protection of aquatic resources. If the forest practices board chooses
15 to adopt rules under this section that are not consistent with the
16 recommendations contained in the forests and fish report, the board
17 must notify the appropriate legislative committees of the proposed
18 deviations, the reasons for the proposed deviations, and whether the
19 parties to the forests and fish report still support the agreement.

1 The board shall defer final adoption of such rules for sixty days of
2 the legislative session to allow for the opportunity for additional
3 public involvement and legislative oversight.

4 (2) The forest practices board shall follow the regular rules
5 adoption process contained in the administrative procedure act, chapter
6 34.05 RCW, when adopting permanent rules pertaining to forest practices
7 and the protection of aquatic resources except as limited by subsection
8 (1) of this section. The permanent rules must accomplish the policies
9 stated in RCW 76.09.010 without jeopardizing the economic viability of
10 the forest products industry.

11 (3) The rules adopted under this section should be as specific as
12 reasonably possible while also allowing an applicant to propose
13 alternate plans in response to site-specific physical features.
14 Alternate plans should provide protection to public resources at least
15 equal in overall effectiveness by alternate means.

16 (4) Rule making under subsection (2) of this section shall be
17 completed by (~~June 30~~) October 1, 2001.

18 (5) The board should consider coordinating any environmental review
19 process under chapter 43.21C RCW relating to the adoption of rules
20 under subsection (2) of this section with any review of a related
21 proposal under the national environmental policy act (42 U.S.C. Sec.
22 4321, et seq.).

23 (6) After the board has adopted permanent rules under subsection
24 (2) of this section, changes to those rules and any new rules covering
25 aquatic resources may be adopted by the board but only if the changes
26 or new rules are consistent with recommendations resulting from the
27 scientifically based adaptive management process established by a rule
28 of the board. Any new rules or changes under this subsection need not
29 be based upon the recommendations of the adaptive management process
30 if: (a) The board is required to adopt or modify rules by the final
31 order of any court having jurisdiction thereof; or (b) future state
32 legislation directs the board to adopt or modify the rules.

33 (7) In adopting permanent rules, the board shall incorporate the
34 scientific-based adaptive management process described in the forests
35 and fish report which will be used to determine the effectiveness of
36 the new forest practices rules in aiding the state's salmon recovery
37 effort. The purpose of an adaptive management process is to make
38 adjustments as quickly as possible to forest practices that are not
39 achieving the resource objectives. The adaptive management process

1 shall incorporate the best available science and information, include
2 protocols and standards, regular monitoring, a scientific and peer
3 review process, and provide recommendations to the board on proposed
4 changes to forest practices rules to meet timber industry viability and
5 salmon recovery.

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

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