

ESSB 6406 - H AMD 1395

By Representative Hudgins

1 On page 41, after line 8, insert the following:

2 "Sec. 220. RCW 76.09.055 and 2003 c 311 s 5 are each amended to
3 read as follows:

4 (1) ~~((The legislature finds that the levels of fish stocks
5 throughout much of the state require immediate action to be taken to
6 help these fish runs where possible. The legislature also recognizes
7 that federal and state agencies, tribes, county representatives, and
8 private timberland owners have spent considerable effort and time to
9 develop the forests and fish report. Given the agreement of the
10 parties, the legislature believes that the immediate adoption of
11 emergency rules is appropriate in this particular instance. These
12 rules can implement many provisions of the forests and fish report to
13 protect the economic well-being of the state, and to minimize the risk
14 to the state and landowners to legal challenges. This authority is
15 not designed to set any precedents for the forest practices board in
16 future rule making or set any precedents for other rule making bodies
17 of the state.~~

18 ~~—(2))~~ The forest practices board is authorized to ~~((adopt
19 emergency))~~ incorporate into the forest practice rules ~~((amending the
20 forest practices rules with respect to the protection of aquatic
21 resources, in accordance with RCW 34.05.350, except: (a)(i) That the
22 rules adopted under this section may remain in effect until permanent
23 rules are adopted, or until June 30, 2001, whichever is sooner; (ii)
24 that the rules adopted under RCW 76.09.420(5) must remain in effect
25 until permanent rules are adopted; (b))~~ those fish protection
26 standards adopted under chapter 77.55 RCW that are applicable to
27 forest practices hydraulic projects. Notice of the proposed rules must

1 be published in the Washington State Register as provided in RCW
2 34.05.320(~~(+)(e)~~), at least one public hearing must be conducted with
3 an opportunity to provide oral and written comments(~~(+and(d))~~), and
4 a rule-making file must be maintained as required by RCW 34.05.370.
5 In adopting (~~emergency~~) forest practices hydraulic rules consistent
6 with (~~this section~~) the changes made to RCW 76.09.040 by section 203
7 of this act, the board is not required to prepare a small business
8 economic impact statement under chapter 19.85 RCW, prepare a statement
9 indicating whether the rules constitute a significant legislative rule
10 under RCW 34.05.328, prepare a significant legislative rule analysis
11 under RCW 34.05.328, or follow the procedural requirements of the
12 state environmental policy act, chapter 43.21C RCW. (~~Except as~~
13 ~~provided in RCW 76.09.420, the forest practices board may only adopt~~
14 ~~recommendations contained in the forests and fish report as emergency~~
15 ~~rules under this section.~~)

16
17 NEW SECTION. Sec. 221. A new section is added to chapter 43.21C
18 RCW to read as follows:

19 The incorporation of fish protection standards adopted under
20 chapter 77.55 RCW into the forest practices rules as required by the
21 changes made to RCW 76.09.040 by section 203 of this act is exempt
22 from compliance with this chapter.

23
24 NEW SECTION. Sec. 222. A new section is added to chapter 19.85
25 RCW to read as follows:

26 The incorporation of fish protection standards adopted under
27 chapter 77.55 RCW into the forest practices rules as required by the
28 changes made to RCW 76.09.040 by section 203 of this act is exempt
29 from compliance with this chapter.

30
31 EW SECTION. Sec. 223. A new section is added to chapter 34.05 RCW
32 to read as follows:

33 The incorporation of fish protection standards adopted under
34 chapter 77.55 RCW into the forest practices rules as required by the

1 changes made to RCW 76.09.040 by section 203 of this act is exempt
2 from compliance with this chapter."

3

4 Correct the title.

5

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EFFECT: Exempts the act of incorporating updates to fish protection standards into the Forest Practices Rules from the following provisions of law: the small business economic impact statement requirements, the State Environmental Policy Act, the Regulatory Fairness Act, and the Administrative Procedures Act.

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