

WAC 222-20-120 Notice of forest practices that may contain cultural resources to affected Indian tribes. (1) The department shall notify affected Indian tribes of all applications in geographic areas of interest that have been identified by such tribes, including those areas that may contain cultural resources.

(2) Where an application is within a tribe's geographic area of interest and contains cultural resources the landowner, at the tribe's discretion, shall meet with the affected tribe(s) prior to the application decision due date with the objective of agreeing on a plan for protecting the archaeological or cultural value.

(3) The department will consider the requirements in subsection (2) of this section complete if prior to the application decision due date:

(a) The landowner meets with the tribe(s) and notifies the department that a meeting took place and whether or not there is agreement on a plan. The department shall confirm the landowner's information with the tribe(s); or

(b) The department receives written notice from the tribe(s) that the tribe(s) is declining a meeting with the landowner; or

(c) The tribe(s) does not respond to the landowner's attempts to meet and the landowner provides to the department:

(i) Written documentation of telephone or email attempts to meet with the tribe's designated cultural resources contact for forest practices; and

(ii) A copy of a certified letter with a signed return receipt addressed to the tribe's cultural resources contact for forest practices requesting a meeting with the tribe; or

(d) The department receives other acceptable documentation.

(4) The department may condition the application in accordance with the plan.

[Statutory Authority: RCW 76.09.040. WSR 12-05-083, § 222-20-120, filed 2/17/12, effective 3/19/12. Statutory Authority: RCW 76.09.040, 76.09.010 (2)(d). WSR 07-20-044, § 222-20-120, filed 9/26/07, effective 10/27/07. Statutory Authority: RCW 76.09.040. WSR 87-23-036 (Order 535), § 222-20-120, filed 11/16/87, effective 1/1/88.]