

**WAC 222-10-040 Class IV-Special threatened and endangered species SEPA policies.** In addition to the SEPA policies established elsewhere in this chapter, the following policies shall apply to Class IV-Special forest practices involving threatened or endangered species.

(1) The department shall consult with the department of fish and wildlife, other agencies with expertise, affected landowners, affected Indian tribes, and others with expertise when evaluating the impacts of forest practices. If the department does not follow the recommendations of the department of fish and wildlife, the department shall set forth in writing a concise explanation of the reasons for its action.

(2) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the department shall evaluate whether the forest practices reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of the survival or recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

(3) Specific mitigation measures or conditions shall be designed to reduce any probable significant adverse impacts identified in subsection (2) of this section.

(4) The department shall consider the species-specific policies in WAC 222-10-041 and 222-10-042 when reviewing and evaluating SEPA documents and the impacts of forest practices.

(5) The SEPA policies in this section and the species specific SEPA policies for threatened and endangered species do not apply to forest practices that are consistent with a wildlife conservation agreement listed in WAC 222-16-080(6) for species covered by these agreements, that has received environmental review with an opportunity for public comment under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW.

[Statutory Authority: RCW 76.09.040. WSR 05-12-119, § 222-10-040, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 76.09.040, 43.21C.060, and 43.21C.120. WSR 02-11-075, § 222-10-040, filed 5/13/02, effective 6/13/02. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. WSR 97-24-091, § 222-10-040, filed 12/3/97, effective 1/3/98. Statutory Authority: Chapters 76.09 and 34.05 RCW. WSR 96-12-038 and 96-14-081, § 222-10-040, filed 5/31/96 and 7/1/96, effective 7/1/96 and 8/1/96.]