

WAC 222-22-090 Use, review, and reanalysis of a watershed analysis. *(1) Where a watershed analysis has been completed and approved for a WAU under this chapter:

(a) Any landowner within the WAU may apply for a multiyear permit to conduct forest practices according to the watershed analysis prescriptions. This permit is not renewable if a reanalysis is found necessary by the department under subsection (6) of this section and either the reanalysis has not been completed and approved or the department has rescinded the prescriptions.

(b) Nonmultiyear forest practices applications and notifications submitted to the department shall indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator, timber owner, or forest landowners shall use in conducting the forest practice in the area of resource sensitivity;

(c) The department shall assist operators, timber owners, and forest landowners in obtaining governmental permits required for the prescription. See WAC 222-50-020 and 222-50-030;

(d) The department shall confirm that the prescription selected under (a) and (b) of this subsection was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and shall require the use of the prescription; and

(e) The department shall not further condition forest practices applications and notifications in an area of resource sensitivity in a WAU where the applicant will use a prescription contained in the watershed analysis nor shall the department further condition forest practices applications and notifications outside an area of resource sensitivity in a WAU, except:

(i) For reasons other than the watershed processes and fish, water, and capital improvements of the state or its political subdivisions analyzed in the watershed analysis in the WAU; or

(ii) To correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other similar factual errors.

*(2) Pending completion and approval of a watershed analysis for a WAU, the department shall process forest practices notifications and applications in accordance with the other chapters of this title.

Processing and approval of applications and notifications shall not be delayed by reason of review, approval, or appeal of a watershed analysis.

*(3) The board encourages cooperative and voluntary monitoring. Evaluation of resource conditions may be conducted by qualified specialists, analysts, field managers, and qualified experts as determined under WAC 222-22-030. Subsequent watershed analysis and monitoring recommendations in response to areas where recovery is not occurring shall be conducted in accordance with this chapter.

*(4) To keep watershed analyses current, the department shall determine if and when a reanalysis of a watershed analysis is necessary to evaluate the effectiveness of the prescriptions applied under this chapter to the WAU in providing for the protection and recovery of the resource. The department shall determine which watershed analysis modules and prescriptions need to be included in the reanalysis. Review and reanalysis shall be conducted in accordance with this chapter and board manual section 11, standard methodology for conducting watershed analysis, except that:

(a) The reanalysis may be conducted on areas smaller than the entire WAU in the case of subsection (6)(a) of this section; and

(b) The reanalysis shall be conducted only on the areas affected in the case of subsection (6)(b) or (c) of this section.

(5) Entities with an interest in maintaining prescriptions the department has identified for reanalysis are responsible for committing sufficient resources to complete a reanalysis in addition to the available resources provided by the department to administer the reanalysis process.

(6) Once a watershed analysis is completed and approved on a WAU, the department shall conduct a review to determine if a reanalysis is necessary, upon the earliest of the following to occur:

(a) Five years after the date the watershed analysis is final, and every five years thereafter; or

(b) The occurrence of a natural disaster having a material adverse effect on the resource characteristics of the WAU; or

(c) Deterioration in the condition of a resource characteristic in the WAU measured over a twelve-month period or no improvement in a resource characteristic in fair or poor condition in the WAU measured over a twelve-month period unless the department determines, in cooperation with the departments of ecology and fish and wildlife, affected Indian tribes, forest landowners, and the public, that a longer period is reasonably necessary to allow the prescriptions selected to produce improvement.

(7) Once the department has determined that a reanalysis is necessary under subsection (6) of this section:

(a) The department shall notify the forest landowners in the WAU, the departments of ecology and fish and wildlife, affected Indian tribes, relevant federal agencies and local governmental entities, and the public.

(b) Prior to the start of the reanalysis, the department shall determine and clearly delineate on a map the areas on which the reanalysis is to be conducted.

(c) The department shall classify per WAC 222-16-050 proposed forest practices within the mapped reanalysis area that would have been subject to those prescriptions identified for reanalysis.

(d) The department shall determine if the forest landowners in the WAU want to participate in the reanalysis and commit sufficient resources to complete the reanalysis process in accordance with subsection (5) of this section:

(i) If no forest landowners in the WAU wish to participate and commit resources, then the department may rescind the prescriptions it identified for the reanalysis after conducting SEPA review. If the department rescinds prescriptions, it shall notify the landowners in the WAU.

(ii) If a landowner wishes to participate and commit resources, then the department in consultation with the departments of ecology and fish and wildlife, affected Indian tribes, forest landowners, and the public shall establish a timeline for the reanalysis. If the timeline for completion is not being met, the department may adjust the timeline or, after conducting SEPA review, rescind the prescriptions it identified for the reanalysis. If the department rescinds prescriptions, it shall notify the landowners in the WAU.

(e) Upon receiving recommendations from the reanalysis, the department shall select prescriptions and approve or disapprove the reanalysis in accordance with WAC 222-22-080.

(f) Reanalysis must be reviewed under SEPA on a nonproject basis. See WAC 222-10-035.

(8) Regardless of subsection (7) of this section, the owner or owners of ten percent or more of the nonfederal forest land in the WAU may conduct a reanalysis at any time at their own expense and the reanalysis may be conducted on areas smaller than the entire WAU.

[Statutory Authority: RCW 76.09.040. WSR 11-12-009, § 222-22-090, filed 5/20/11, effective 6/20/11; WSR 05-12-119, § 222-22-090, filed 5/31/05, effective 7/1/05. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). WSR 01-12-042, § 222-22-090, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. WSR 97-24-091, § 222-22-090, filed 12/3/97, effective 1/3/98. Statutory Authority: RCW 76.09.040, 76.09.170 and chapter 34.05 RCW. WSR 94-01-134, § 222-22-090, filed 12/20/93, effective 1/1/94. Statutory Authority: RCW 76.09.040, 76.09.050 and chapter 34.05 RCW. WSR 92-15-011, § 222-22-090, filed 7/2/92, effective 8/2/92.]