

(2) The department shall establish fair market value for vessels using the following method:

(a) Each vessel shall be surveyed by two marine surveyors chosen by the applicant from a list provided by the department.

(b) A third survey shall be done if the value of the lower survey is less than fifty thousand dollars and the difference between the surveys is more than twenty percent of the lower survey, or the value of the lower survey is more than fifty thousand dollars and the difference between the surveys is more than ten percent of the lower survey value. The department shall randomly select the third surveyor from the same list supplied to the applicant. The department shall not conduct a third survey until the applicant provides the department with paid receipts for the first two surveys.

(c) The applicant and program manager or their representatives shall be in attendance during each survey.

(d) Each surveyor shall send copies of the survey to the applicant and to the department.

(e) The cost of the first two surveys shall be borne by the applicant. The department shall reimburse this cost if the applicant accepts the purchase offer. The cost of the third survey shall be borne by the department.

(f) The fair market value of the vessel shall be computed by the department averaging the two closest survey values.

(g) The department shall maintain confidentiality of the surveys prior to completion of the purchase by the department. [Statutory Authority: RCW 75.08.080. 82-19-082 (Order 82-141), § 220-95-026, filed 9/21/82.]

**WAC 220-95-030 Repealed.** See Disposition Table at beginning of this table.

**WAC 220-95-031 Use restrictions and penalties.**

(1) For a period of ten years from the date of the purchase of the vessel's restriction by the department it shall be unlawful to:

(a) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel other than as a vessel used for angling or other personal use in waters within the state of Washington, including the concurrent waters of the Columbia river.

(b) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel other than as a vessel used for angling or other personal use in waters outside the three mile limit off the Washington coast in an area from the southern jetty at the mouth of the Columbia River north to the United States/Canadian border.

(c) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel with the intent to deliver fish in another state, in waters outside the three mile limit off the Washington coast in an area from the southern jetty at the mouth of the Columbia river north to the United States/Canadian border.

(2) Failure to comply with the provisions of subsection (1) of this section will cause the state substantial damage and the amount of damage will be difficult to ascertain precisely. The vessel owner will pay to the

department of fisheries as liquidated damages, in addition to all other sums payable hereunder, two hundred dollars for each day or portion thereof on which the vessel is used by any person or entity in violation of the provisions of subsection (1) of this section.

(3) The department shall have relief by injunction to prevent the operation of the vessel for the purposes prohibited in subsection (1) of this section, together with any other relief provided by law. If the vessel is used for any purpose in violation of subsection (1) of this section, in addition to any other penalties provided by law, said vessel's fish, equipment, gear and personal property on board will be subject to immediate confiscation by, and forfeiture to, the state without notice to any owner or user of the vessel. If catches of the vessel prohibited by subsection (1) of this section have been sold or transferred, the owner or user of the vessel is liable to the department in the amount thereof and all Washington state commercial fishing licenses and/or permits issued to the owner or user shall be immediately revoked without notice by the department.

(4) The vessel owner and any subsequent transferee assigns to the department any and all rights to enforce the provisions of subsection (1) of this section. At any time the department may inspect the vessel for the limited purpose of ascertaining whether the vessel is being used for any purpose or use in violation of subsection (1) of this section. If any subsequent transferee is a treaty Indian, the department will require proof of treaty status prior to approving a transfer of vessel ownership or use. Nonapplicability of use restrictions to treaty Indians will not affect imposition of use restrictions to non-Indian transferees, owners or users of any vessel. [Statutory Authority: RCW 75.08.080. 82-19-082 (Order 82-141), § 220-95-031, filed 9/21/82.]

**WAC 220-95-040 Repealed.** See Disposition Table at beginning of this table.

**WAC 220-95-045 Repealed.** See Disposition Table at beginning of this table.

**WAC 220-95-050 Repealed.** See Disposition Table at beginning of this table.

**WAC 220-95-055 Repealed.** See Disposition Table at beginning of this table.

## Title 222 WAC

### FOREST PRACTICES BOARD

#### Chapters

222-12	Policy and organization.
222-16	Definitions.
222-20	Application and notification procedures.
222-24	Road construction and maintenance.
222-30	Timber harvesting.
222-34	Reforestation.
222-38	Forest chemicals.

**222-50 Relationship to other laws and regulations.**

**Reviser's note:** Title 222A WAC, being the 1975 Interim Forest Practices rules and regulations, was promulgated by the Department of Natural Resources pursuant to chapters 34.04 and 76.09 RCW and the Forest Practices Act of 1974 as amended. The rules and regulations, Title 222A WAC, were filed in the office of the Code Reviser by Emergency Order 225, filed December 31, 1974; Permanent Order 226, filed February 28, 1975; Emergency Order 236, filed July 23, 1975; Emergency and Permanent Order 247, filed October 10, 1975; and Emergency Order 248, filed October 20, 1975. These rules and regulations were repealed by the Department of Natural Resources by Order 273, filed 2/22/77 and the rules and regulations promulgated by the Forest Practices Board are hereby published as Title 222 WAC.

**Chapter 222-12 WAC  
POLICY AND ORGANIZATION**

WAC

222-12-090 Forest practices board manual.

**WAC 222-12-090 Forest practices board manual.** When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, game, agriculture, ecology, and such other agencies as may have appropriate expertise, is directed to prepare, and submit to the board for approval, a Forest Practices Board Manual. The manual shall include:

- (1) **Temperature sensitive determinations** needed for use with WAC 222-16-040.
- (2) **Procedures for leaving** the required 50 percent or 75 percent shade as required in WAC 222-30-040.
- (3) **A list of "key wildlife habitats"** as established under WAC 222-16-010(23).
- (4) **The standard methods** for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.
- (5) **A chart** for establishing recommended permanent culvert sizes and associated data.
- (6) **Guidelines** for clearing slash and debris from Type 4 Waters.
- (7) **Guidelines** for landing location and construction.
- (8) **Aerial chemical application** guidelines for requiring untreated strips on Type 4 Waters. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-12-090, filed 8/3/82, Effective 10/1/82; Order 263, § 222-12-090, filed 6/16/76.]

**Chapter 222-16 WAC  
DEFINITIONS**

WAC

222-16-010 General definitions.

222-16-050 Classes of forest practices.

**Reviser's note:** For an explanation of the regulations marked with an asterisk (\*), see WAC 222-12-010.

**WAC 222-16-010 General definitions.** Unless otherwise required by context, as used in these regulations:

(1) **"Act"** means the Forest Practices Act, chapter 76.09 RCW.

(2) **"Appeals board"** means the forest practices appeals board established in the act.

(3) **"Board"** means the forest practices board established by the act.

(4) **"Borrow pit"** shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

(5) **"Chemicals"** means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, insecticides, rodenticides, plant-growth regulators, fungicides, fertilizers, desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.

(6) **"Commercial tree species"** means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

(7) **"Completion of harvest"** means the latest of:

(a) Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

(b) Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

(c) Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this subsection (c) is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

(8) **"Contamination"** means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

(9) **"Conversion to a use other than commercial timber operation"** shall mean a bona fide conversion to an active use which is incompatible with timber growing.

(10) **"Debris"** means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

(11) **"Department"** means the department of natural resources.

(12) **"End hauling"** means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

(13) **"Erodible soils"** means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

(14) "**Fertilizers**" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

(15) "**Flood level - 50 year.**" For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(16) "**Flood level - 25 year.**" For purposes of field interpretation of these regulations the 25-year flood level shall be considered to be a vertical elevation which is the same height measured from the ordinary high-water mark as the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 4 percent chance of occurring in any given year. The 25-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(17) "**Forest land**" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

(18) "**Forest land owner**" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(19) "**Forest practice**" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;

- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(20) "**Herbicide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

(21) "**Historic site**" includes:

(a) Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

(b) Places associated with a personality important in history; or

(c) Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

(22) "**Insecticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusks.

(23) "**Key wildlife habitat**" means the habitat of any threatened or endangered species, as such habitat is established by the board in the Forest Practices Board Manual, or other situations as identified by the board, after consultation with the department of game, where specific management practices are needed to prevent critical wildlife habitat destruction.

(24) "**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

(25) "**Load bearing portion**" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

(26) "**Major tractor road**" is one which involves extensive sidestepping or similar disturbance of soil which may cause material damage to a public resource or would destroy the integrity of a streamside management zone.

(27) "**Merchantable stand of timber**" means a stand of trees that will yield logs and/or fiber:

(a) Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

(b) Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

(28) "**Notice to comply**" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

(29) "**Operator**" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

(30) "**Ordinary high-water mark**" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

(31) "**Park**" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2).

(32) "**Partial cutting**" means the removal of a portion of the merchantable volume in a stand of timber so as to leave a well-distributed stand of residual, healthy trees that will reasonably utilize the productivity of the soil.

(33) "**Pesticide**" means any insecticide, herbicide or rodenticide but does not include nontoxic repellents or other chemicals.

(34) "**Plantable area**" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of streamside management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

(35) "**Power equipment**" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

(36) "**Public resources**" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

(37) "**Rehabilitation**" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

(38) "**Relief culvert**" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

(39) "**Rodenticide**" means any substance or mixture of substances intended to prevent, destroy, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

(40) "**Salvage**" means the removal of snags, down logs, windthrow, or dead and dying material.

(41) "**Scarification**" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

(42) "**Side casting**" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

(43) "**Shorelines of the state**" means all of the water areas of the state, including reservoirs, and their associated wetlands together with the lands underlying them, except:

(a) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and

(b) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

"Wetlands" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and means all marshes, bogs and swamps associated with the streams, lakes and tidal waters which are included in the waters defined as "shorelines of the state" in these rules.

"Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, such floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands which can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(44) "**Skid trail**" means a route used by tracked or wheeled skidders to move logs to a landing or road.

(45) "**Slash**" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

(46) "**Spoil**" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

(47) "**Stop work order**" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

(48) "**Streamside management zone**" means a specified area alongside natural waters where specific attention must be given to the measures, that can be taken to protect water quality. These zones shall be measured from the ordinary high-water mark of the body of water and measure:

(a) 50 feet in width on each side of a Type 1 and 2 Water.

(b) 25 feet in width on each side of a Type 3 Water.

(49) "**Threatened or endangered species**" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington department of game determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For

this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

(50) "**Timber**" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

(51) "**Water bar**" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

(52) "**Weed**" is any plant which tends to overgrow or choke out more desirable vegetation.

(53) "**Windthrow**" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind. [Statutory Authority: RCW 76.09.040 and 76.09-.050. 82-16-077 (Resolution No. 82-1), § 222-16-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-16-010, filed 6/16/76.]

**WAC 222-16-050 Classes of forest practices.** There are 4 classes of forest practices created by the act. These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "**Class IV - Special.**" Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the state Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

\*(a) Aerial application of pesticides to an "area of water supply interest" as determined according to WAC 222-38-020(4)(h).

(b) Harvesting, road construction, site preparation or aerial application of pesticides:

(i) On lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

(c) Widespread use of DDT or a similar persistent insecticide.

(d) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except park managed salvage of merchantable forest products.

\*(e) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas when conducted on excessively steep slopes or slide prone areas as defined in WAC 222-24-020(6) when such slopes or slide prone areas occur on an uninterrupted slope within 1,000 feet above a Type 1, 2, 3 or 4 Water where there is potential for a substantial debris flow or debris torrent to cause significant impact to fisheries habitat or public capital improvements.

(f) Utilization of an alternate plan except those involving field evaluation of a new forest practice technology or any reforestation practice.

(2) "**Class IV - General.**" Applications involving the following circumstances are "Class IV - General" forest practices unless they are listed in "Class IV - Special." Such applications will not require an environmental evaluation but are subject to a 30-day period for approval.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-34-050.)

(3) "**Class I.**" Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the streamside management zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the streamside management zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulics permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Pre-commercial thinning and pruning.

(j) Tree planting and seeding.

(k) Removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 70.94.660).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the streamside management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres and beyond 50 feet of a Type 1 or 2 Water, beyond 25 feet of a Type 3 Water or beyond 25 feet of the ordinary high water mark of a flowing Type 4 Water and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. (See WAC 222-38-020.)

(q) Forestry research studies and evaluation tests by an established research organization.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulics project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed; and

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application.

(c) Any of the following if none of the operation or limits of construction takes place within the streamside management zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

(iii) The following operations except those involving off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(A) Salvage of logging residue.

(B) Salvage of dead, down or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(C) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(D) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(E) Any harvest on less than 40 acres.

(F) Construction of 600 or more feet of road, provided that the department shall be renotified at least 2 business days before commencement of the construction.

(5) "Class III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

(b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain historic or archeological resources which, at the time the application or notification is filed, are on or are eligible for listing on the National Register of Historic Places.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(6) **Continuing review of forest practices classification.**

(a) RCW 76.09.050 directs the forest practices board to establish by rule which forest practices shall be included in each of the 4 classes, and directs that these rules:

(i) Not include in Class I any categories of forest practice which the board finds to have a direct potential for damage to a public resource;

(ii) Exclude from Class II all categories of forest practice which the board finds to have an ordinary or greater than ordinary potential for damage to a public resource; and

(iii) Include in "Class IV - Special" all categories of forest practice which the board finds to have potential for a substantial impact on the environment of the type justifying an evaluation as to whether or not a detailed statement must be prepared pursuant to chapter 43.21C RCW (SEPA).

(b) The board finds that the regulations contained in subsections (1) through (5) of this section meet those criteria to the maximum extent feasible in light of the limited information now available, but that further refinement of these subsections may be necessary as additional experience develops under the Forest Practices

Act. Therefore, the department is requested to report to the forest practices advisory committee and the board at least annually on any categories of forest practice which, in the opinion of the department, should be reclassified:

(i) To make the classifications better conform to these criteria; and

(ii) To provide greater clarity and certainty for potential applicants and others as to which forest practice activities are in Classes I, II, III or IV forest practices. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-16-050, filed 8/3/82, effective October 1, 1982; Order 263, § 222-16-050, filed 6/16/76.]

### Chapter 222-20 WAC APPLICATION AND NOTIFICATION PROCEDURES

#### WAC

222-20-010	Applications and notifications—Policy.
222-20-020	Application time limits.
222-20-100	Notice to parks and OAHF.
222-20-110	Notice of forest practices to cities and towns.

**WAC 222-20-010 Applications and notifications—Policy.** (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in *WAC 222-20-020(1)* exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **At the option** of the applicant, applications or notifications may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(4) **Applications and notifications** for operations not converting to another use shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations; and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner: *Provided*, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(5) **Where an application** for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (4) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

(6) **Transfer of the** approved application or notification to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices regulations as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(7) **Applications and notifications** must be delivered to the department at the appropriate area office. Delivery should be in person or by registered or certified mail.

(8) **Applications and notifications** shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. If a notification or application is delivered in person to the department by the operator or his authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant. [Statutory Authority: RCW 76.09.040. 82-18-053 (Resolution No. 82-2), § 222-20-010, filed 8/31/82. Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No.

82-1), § 222-20-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-20-010, filed 6/16/76.]

**WAC 222-20-020 Application time limits.** (1) A properly completed application shall be approved or disapproved within 14 calendar days for Class III and 30 calendar days for Class IV forest practices, except:

(a) To the extent the department is prohibited from approving the application by the act.

(b) For "Class IV-Special" applications when the department has within 10 days of the receipt of an acceptable application and environmental checklist (WAC 197-10-310) determined that a detailed environmental statement must be made, the application must be approved or disapproved within 60 days, unless the commissioner of public lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application. At least 10 days before promulgation of such an order extending the time, the applicant shall be given written notice that the department is requesting such extension; giving the reasons the process cannot be completed within such period; and stating that the applicant may comment in writing to the commissioner of public lands or obtain an informal conference with the department regarding the proposed extension.

(c) When they involve lands platted after January 1, 1960 or lands to be converted, the applicable time limit shall be 14 business days from transmittal to the county unless the county has waived its right to object or has consented to approval of the application.

(2) Unless the county has waived its rights under the act or consents to approval, the department shall not approve portions of an application involving lands platted after January 1, 1960, in the process of being platted or proposed to be converted to another use until at least 14 business days from the date of transmittal to the county.

(3) Where an application covers both Class III and Class IV forest practices, the department shall have 30 calendar days to respond, except more time may be required as in subsection (1) of this section.

(4) If the application indicates that it covers only Class III forest practices, and the department determines it involves some Class IV forest practices, within 14 calendar days the department shall either so indicate or approve or disapprove the application.

(5) Where a notification is submitted for operations which the department determines involve Class III or IV forest practices, the department shall issue a stop work order or take other appropriate action. If the operations were otherwise in compliance with the act and forest practices regulations, no penalty should be imposed for those operations which occurred prior to the enforcement action: *Provided*, That no damage to a public resource resulted from such operations, and the operations commenced more than 5 days from receipt by the department of the notification.

(6) If the department fails to approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and

the operation may commence: *Provided*, That this provision shall not apply where:

(a) The county objects and the application involves lands platted after January 1, 1960 or lands to be converted where the county's right of objection is 14 business days which may be longer than the approval time limit.

(b) The department is prohibited from approving the application by the act.

(7) If seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within 60 days. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-20-020, filed 8/3/82, effective 10/1/82; Order 263, § 222-20-020, filed 6/16/76.]

**WAC 222-20-100 Notice to parks and OAHP.** (1) **Notice to parks.** The department shall send to the affected agency, within 2 business days of receipt, a copy of any notification or application for forest practices within 500 feet of the boundary of any park entity registered according to WAC 222-20-100(2).

(2) **Parks register.** The department shall establish and update every 5 years a parks register listing all publicly owned parks where the affected owner has filed a written request with the department for inclusion on such register. The department shall notify owners of all public parks inventoried on the state comprehensive outdoor recreation plan (SCORP) of the opportunity to register.

(3) **DNR to provide information to OAHP.** The department shall provide the office of archeology and historic preservation (OAHP) with copies of all applications and notifications for forest practices to be conducted on lands known to contain historic or archeological resources as identified by OAHP. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-20-100, filed 8/3/82, effective 10/1/82.]

**WAC 222-20-110 Notice of forest practices to cities and towns.** The department shall establish and update every 5 years a register listing all incorporated cities and towns which have filed a written request for inclusion on such register. The department shall provide to those listed on the register, copies of all applications and notifications for forest practices on lands within the legal boundaries of the city or town. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-20-110, filed 8/3/82, effective 10/1/82.]

## Chapter 222-24 WAC

### ROAD CONSTRUCTION AND MAINTENANCE

#### WAC

222-24-010	Policy.
222-24-020	Road location.
222-24-025	Road design.
222-24-030	Road construction.
222-24-035	Landing location and construction.



222-24-040 Water crossing structures.  
222-24-050 Road maintenance.

**Reviser's note:** For an explanation of the regulations marked with an asterisk (\*), see WAC 222-12-010.

**WAC 222-24-010 Policy.** A well designed, located, constructed, and maintained system of forest roads is essential to forest management. This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges; stream crossings, quarries, borrow pits, and disposal sites used for forest road construction. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.) [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-24-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-24-010, filed 6/16/76.]

**WAC 222-24-020 Road location.** (1) **Fit the road** to the topography so that a minimum of alterations to the natural features will occur.

\*(2) **Minimize road** locations in narrow canyons, marshes, wet meadows, natural drainage channels, in streamside management zones and nesting sites of key wildlife habitats.

\*(3) **Minimize the** number of stream crossings.

\*(4) **Whenever practical,** cross streams at right angles to the main channel.

(5) **Avoid duplicative** roads by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction.

(6) **Where feasible, do not locate** roads on excessively steep or unstable slopes or known slide prone areas as determined by the department. The department shall determine whether slopes are unstable using available soils information, or from evidence of geologically recent slumps or slides, or where the natural slope exceeds the angle of repose for the particular soil types present, or where springs or seeps may indicate unstable conditions are present in or above the construction site.

Essential road construction will be accomplished by end hauling, over hauling, or other special road construction techniques unless the department determines there is potential for damage to public resources under WAC 222-16-050(1)(e). [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-24-020, filed 8/3/82, effective 10/1/82; Order 263, § 222-24-020, filed 6/16/76.]

**WAC 222-24-025 Road design.** (1) **Use the** minimum design standard that produces a road sufficient to carry the anticipated traffic load with reasonable safety.

(2) **Subgrade width** should average not more than 32 feet for double lane roads and 20 feet for single lane roads, exclusive of ditches, plus any additional width necessary for safe operations on curves and turnouts.

(3) **Balance excavation** and embankments so that as much of the excavated material as is practical will be deposited in the roadway fill sections. Where full bench

construction is necessary, design suitable embankments so that the excavated material may be end hauled to appropriate deposit areas.

(4) **Design or construct** cut and fill slopes to the normal angle of repose for the materials involved, or at a lesser angle whenever practical.

\*(5) **All roads** should be outsloped or ditched on the uphill side and appropriate surface drainage should be provided by the use of adequate cross drains, ditches, relief culverts, water bars, or diversion ditches.

\*(6) **Cross drains,** relief culverts, and diversion ditches should not discharge onto erodible soils, or over fill slopes unless adequate outfall protection is provided.

\*(7) **Install** cross drains, culverts, or diversion ditches on all forest roads to minimize erosion of the road bed, cut bank and fill slope. These drainage structures shall be installed at all low points in the road gradient and spaced no wider than as follows:

Grade	Distance Westside	Distance Eastside
0 to 7%	1,000 ft.	1,500 ft.
8% to 15%	800 ft.	1,000 ft.
over 15%	600 ft.	800 ft.

The department may require more frequent culvert spacing or other drainage improvements where site specific evidence of soil instability makes additional culverts necessary to minimize erosion of the road bed, ditches, cut bank and fill slope or to avoid unreasonable risk to public resources. See Part 5, Table 2 in the Forest Practices Board Manual for "Additional Culvert Spacing Recommendations." On request of the applicant, the department may approve less frequent drainage spacing where parent material (e.g. rock, gravel) or topography justify.

\*(8) **Relief culverts** installed on forest roads shall meet the following minimum specifications:

(a) Be at least 12 inches in diameter or equivalent.

(b) Be installed sloping toward the outside edge of the road at a minimum gradient of 3 percent.

\*(9) **Ditch diversion.** Where roadside ditches slope toward a Type 1, 2, or 3 Water for more than 300 feet and otherwise would discharge into the stream, divert the ditchwater onto the forest floor by relief culvert or other means at the first practical point more than 50 feet from the stream. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-24-025, filed 8/3/82, effective 10/1/82.]

**WAC 222-24-030 Road construction.** (1) **Right-of-way timber.** Merchantable right-of-way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

\*(2) **Debris burial.**

(a) In permanent road construction, do not bury:

(i) Loose stumps, logs or chunks containing more than 5 cubic feet in the load-bearing portion of the road, except as puncheon across swampy ground or for culvert protection.

(ii) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road, except as puncheon across swampy ground or for culvert protection.

(iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across swampy ground or for culvert protection.

(b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

\* (4) **Stabilize soils.** When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or washing may reasonably be expected to cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by other means acceptable to the department.

\* (5) **Channel clearance.** Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

\* (6) **Drainage.**

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsliping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation.

\* (7) **Moisture conditions.** Construction should be accomplished when moisture and soil conditions are least likely to result in excessive erosion and/or soil movement.

\* (8) **End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the 25-year flood level of a Type 1, 2 or 3 Water, below the ordinary high-water mark of Type 4 Water, or where there is a potential for massive soil failure from overloading on unstable slopes or for damage to the public resources as determined by the department.

\* (9) **Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material may be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the 25-year flood level of Type 1, 2 or 3 Waters.

(b) Spoil or other debris shall be deposited above the ordinary high-water channel of Type 4 Waters and not in a location from which it will reasonably be expected to enter those waters.

(c) When the spoil or other debris is deposited in appropriate location, embankments so formed shall be compacted by layering as in subsection (3) of this section, or so stabilized that the risk of its later entering streams is minimal. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-24-030, filed 8/3/82, effective 10/1/82; Order 263, § 222-24-030, filed 6/16/76.]

**WAC 222-24-035 Landing location and construction. \* (1) Landing location:**

(a) Locate landings on firm ground above the ordinary high-water mark of any stream. Avoid excessive excavation.

(b) Landings involving sidecast or fill shall be located where the toe of the sidecast or fill does not lie below the 50-year flood level of a Type 1, 2 or 3 Water or below the ordinary high-water mark of a Type 4 Water.

**(2) Landing construction.**

(a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.

(b) Where the average general slopes exceed 65 percent, fill material used in construction of landings shall be free from loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-24-035, filed 8/3/82, effective 10/1/82.]

**WAC 222-24-040 Water crossing structures. \* (1) Bridge construction.**

(a) Bridges are required for new crossings of any Type 1 or 2 Waters regularly used for recreational boating.

(b) Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the 50-year flood level or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure.

(c) One end of each new permanent log or wood bridge shall be tied or firmly anchored if any of the bridge structure is within 10 vertical feet of the 50-year flood level.

(d) Excavation for bridges, placement of sills or abutments, and the placement of stringers or girders shall be accomplished from outside the ordinary high-water mark of all waters, except when such operations are authorized by a hydraulics permit or hydraulics agreement.

(e) Earth embankments constructed for use as bridge approaches shall be protected from erosion by high water. Some examples of protection are: Planted or seeded ground cover, bulkheads, rock riprap, or retaining walls.

(f) When earthen materials are used for bridge surfacing, curbs of sufficient size shall be installed to be above the surface material and prevent such surface material from falling into the stream bed.

**\*(2) Culvert installation:** All permanent culverts installed in forest roads shall be of a size that is adequate to carry the 50-year flood or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure. Refer to Part 5 "Recommended Culvert Sizes" in the Forest Practices Board Manual for the size of permanent culverts recommended for use in forest roads. If the department determines that because of unstable slopes the culvert size shown on that table is inadequate to protect public resources, it may require culvert sizes in accordance with the nomograph (chart) contained in Part 5 of the Forest Practices Board Manual or with other generally accepted engineering principles.

(a) No permanent culverts shall be installed that are smaller than:

(i) 24 inches in diameter or the equivalent for anadromous fish streams.

(ii) 18 inches or the equivalent for the resident game fish streams.

(iii) 12 inches or the equivalent for all other water crossings.

(b) The alignment and slope of the culvert shall parallel the natural flow of the stream whenever possible.

(c) When fish life is present, construct the bottom of the culvert at or below the natural stream bed at the inlet and outlet.

(d) Terminate culverts on materials that will not readily erode, such as riprap, the original stream bed (if stable), or other suitable materials.

(e) If water is diverted from its natural channel, return this water to its natural stream bed via culvert, flume, spillway, or the equivalent.

(f) When flumes, downspouts, downfall culverts, etc., are used to protect fill slopes or to return water to its natural courses, the discharge point must be protected from erosion by: (i) Reducing the velocity of the water, (ii) use of rock spillways, (iii) riprap, (iv) splash plates.

(g) Stream beds shall be cleared for a distance of 50 feet upstream from the culvert inlet of such slash or debris that reasonably may be expected to plug the culvert.

(h) The entrance of all culverts should have adequate catch basins and headwalls to minimize the possibility of erosion or fill failure.

**\*(3) Culverts in anadromous fish streams.** In addition to the requirements of subsection (2) of this section, in streams used by anadromous fish:

(a) Culverts shall be either open bottomed or have the bottom covered with gravel and installed at least 6 inches below the natural stream bed at the inlet and outlet.

(b) Closed bottom culverts shall not slope more than 1/2 percent; except as provided in (e) of this subsection; open bottom culverts shall not slope more than the natural slope of the stream bed.

(c) Where multiple culverts are used, one culvert shall be at least 6 inches lower than the other(s).

(d) Culverts shall be set to retain normal stream water depth throughout the culvert length. A downstream control may be required to create pooled water back into the culvert and to insure downstream stream bed stability.

(e) Closed bottom culverts, set at existing stream gradients between 1/2 percent and 3 percent slope shall be designed with baffles for water velocity control, or have an approved designed fishway.

(f) The department, after consultation with the departments of fisheries and game, shall impose any necessary limitations on the time of year in which such culverts may be installed to prevent interference with migration or spawning of anadromous fish.

(g) Any of the requirements in (a) through (f) of this subsection may be superseded by a hydraulics project approval.

**\*(4) Temporary water crossings.**

(a) Temporary bridges and culverts, adequate to carry the highest anticipated flow in lieu of carrying the 50-year flood, may be used:

(i) In the westside region if installed after June 1 and removed by September 30 of the same year.

(ii) In the eastside region if installed after the spring runoff and removed prior to the snow buildup which could feed a heavy runoff.

(iii) At other times, when the department and applicant can agree to specific dates of installation and removal.

(b) Temporary bridges and culverts shall be promptly removed upon completion of use, and the approaches to the crossing shall be water barred and stabilized at the time of the crossing removal.

(5) Properly prepared and maintained fords may be used during periods of low water providing a hydraulics permit is acquired. [Statutory Authority: RCW 76.09-.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-24-040, filed 8/3/82, effective 10/1/82; Order 263, § 222-24-040, filed 6/16/76.]

**WAC 222-24-050 Road maintenance. \*(1) Active roads.** An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) Culverts and ditches shall be kept functional.

(b) Road surface shall be maintained as necessary to minimize erosion of the subgrade.

(c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

**\*(2) Inactive roads.** An inactive road is a forest road the use of which for commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall clear or repair ditches or culverts which he knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.

(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless he fails to make repairs as directed by a notice to comply.

**\*(3) Additional culverts/maintenance.** If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

(a) Install additional or larger culverts or other drainage improvements as deemed necessary by the department; or

(b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

**\*(4) Abandoned roads.** An abandoned road is a forest road which the forest landowner does not intend to be used again for commercial hauling of forest products. No subsequent maintenance of an abandoned road is required after the following procedures are completed:

(a) Roads are outsloped, water barred, or otherwise left in a condition suitable to control erosion; and

(b) Ditches are cleaned; and

(c) The road is blocked to vehicular traffic or is posted "closed."

(d) The department may request the removal of bridges and culverts on Type 1, 2, 3 and 4 Waters, except where the owner elects to maintain the drainage structures.

**\*(5) Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 Water. Refer to WAC 222-38-020 for additional information.

**\*(6) Road surface treatment.**

(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours.

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.

(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.

(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020. [Statutory Authority: RCW 76.09.040 and 76.09.050, 82-16-077 (Resolution No. 82-1), § 222-24-050, filed 8/3/82, effective 10/1/82; Order 263, § 222-24-050, filed 6/16/76.]

## Chapter 222-30 WAC TIMBER HARVESTING

### WAC

222-30-010	Policy—Timber harvesting.
222-30-040	Temperature control.
222-30-050	Felling and bucking.
222-30-060	Cable yarding.
222-30-070	Tractor and wheeled skidding systems.
222-30-090	Post-harvest site preparation.
222-30-100	Slash disposal.

**Reviser's note:** For an explanation of the regulations marked with an asterisk (\*), see WAC 222-12-010.

**WAC 222-30-010 Policy—Timber harvesting.** This section covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, post harvest cleanup, and clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal use. To the extent practical the department shall coordinate the activities on a multiple disciplinary planning approach. (NOTE: OTHER LAWS OR REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.) [Statutory Authority: RCW 76.09.040 and 76.09.050, 82-16-077 (Resolution No. 82-1), § 222-30-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-30-010, filed 6/16/76.]

**WAC 222-30-040 Temperature control.** \*(1) Determination of temperature sensitivity for Type 1, 2 and 3 Waters shall be based upon field data or upon criteria set forth in WAC 222-16-040. Any designation as to whether or not waters are temperature sensitive shall be made by the department prior to the deadline for approval or disapproval of the application for harvest.

\*(2) **Shade requirements.** Within the streamside management zone along those Type 1, 2 and 3 Waters designated as temperature sensitive, unless a waiver is granted by the department under subsection (3) of this section, the operator shall:

(a) Leave all nonmerchantable vegetation which provides mid-summer and mid-day shade of the water surface; and

(b) Leave sufficient merchantable timber, if any, necessary to retain 50 percent of the summer mid-day shade of the water surface, provided that the department shall require leaving 75 percent of the shade where it determines that the mean of the maximum summer daily ambient water temperatures, for a 7-day period, exceeds 60 degrees before logging. (See the Forest Practices Board Manual Part 2 for methods of shade determination.)

**\*(3) Waivers.** The department may waive or modify the shade requirements where the applicant:

(a) Shows a high probability of windthrow and agrees to replant the streamside management zone within the first planting season after harvest; or

(b) Agrees to a staggered setting program producing equal or greater temperature control; or

(c) Provides alternative means of stream temperature control satisfactory to the department. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-30-040, filed 8/3/82, effective 10/1/82; Order 263, § 222-30-040, filed 6/16/76.]

**WAC 222-30-050 Felling and bucking. \*(1) Felling into stream.**

(a) No trees will be felled into Type 1, 2 and 3 Waters, except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

(b) Trees may be felled into Type 4 Water if logs are removed as soon thereafter as practical.

**\*(2) Bucking in streams.**

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Water, except as necessary to remove the timber from the stream, lake or pond.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the stream, lake or pond.

**\*(3) Felling in streamside management zones.**

(a) Individual trees within a streamside management zone otherwise restricted from cutting may be harvested if reasonably expected to fall into the stream, lake or pond from natural causes.

(b) Care shall be taken to fall any trees cut within the streamside management zone in a manner to prevent damage to the stream, lake or pond and streamside management zone.

**\*(4) Felling near streamside management zone and setting boundaries.** Reasonable care shall be taken to avoid felling trees into streamside management zones and areas outside the harvest unit.

**(5) Felling in selective and partial cuts.** Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-30-050, filed 8/3/82, effective 10/1/82; Order 263, § 222-30-050, filed 6/16/76.]

**WAC 222-30-060 Cable yarding. \*(1) Type 1, 2 and 3 Water.** No timber shall be cable yarded in or across a Type 1, 2 or 3 Water except where:

(a) The logs will not materially damage the stream bed, banks or streamside management zone; or

(b) Necessary to remove trees from the stream; or

(c) Part of a stream clearance and improvement project approved by the departments of fisheries or game; or

(d) Approved by the department.

**\*(2) Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2 or 3 Water shall not be removed or unnecessarily disturbed without approval of the departments of fisheries and game.

**\*(3) Yarding in streamside management zone.** Where timber is yarded from or across a streamside management zone, reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie until clear of the streamside management zone.

**(4) Direction of yarding.**

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

**\*(c) When yarding parallel to a Type 1, 2 or 3 Water channel below the 25-year flood level, reasonable care shall be taken to minimize rutting and to prevent logs from rolling into the stream, lake or pond or streamside management zone.** [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-30-060, filed 8/3/82, effective 10/1/82; Order 263, § 222-30-060, filed 6/16/76.]

**WAC 222-30-070 Tractor and wheeled skidding systems. \*(1) Streams.**

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or 3 Water, except with the approval of the department.

(b) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(c) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

**\*(2) Streamside management zone.**

(a) Logging will be permitted within the zone, provided that tractors and wheeled skidders may not be used within the zone unless approved by the department.

(b) Where skidding in or through the streamside management zone is necessary, the number of skidding routes through the management zone shall be minimized.

(c) Logs shall be skidded in the direction in which they lie until clear of the streamside management zone, to the extent practical and consistent with good safety practices.

(3) **Deadfalls.** Any logs which are firmly embedded in the bed of a Type 1, 2 or 3 Water shall not be removed or unnecessarily disturbed without approval of the departments of fisheries and game.

\***(4) Moisture conditions.** Tractor and wheeled skidders shall not be used on exposed erodible soils when soil moisture content is so high that unreasonable rutting, or stream, lake or pond siltation would result.

(5) **Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

\***(6) Skid trail construction.**

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the 50-year flood level.

(c) Skid trails shall be outsloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

\***(7) Skid trail maintenance.** Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

\***(8) Slope restrictions.** Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-30-070, filed 8/3/82, effective 10/1/82; Order 263, § 222-30-070, filed 6/16/76.]

**WAC 222-30-090 Post-harvest site preparation.**

Unless the application or notification indicates that the landowner or forest landowner specifically agrees to assume responsibility for compliance with this section, the operator shall leave the site in a condition suitable for reforestation following any clear cutting, or any partial cutting west of the summit of the Cascades where 80 percent or more of the cubic volume is removed within any 5 consecutive years unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils. Lands being converted to another use or classified as urban development lands under WAC 222-34-050 are exempt.

(1) **The following** site preparation is required when necessary to establish a condition suitable for reforestation:

(a) Cutting, slashing, or other treatment of all non-commercial tree species, other competing vegetation, and nonmerchantable size trees commonly known as "whips" which will not reasonably utilize the growing capacity of the soil except in the streamside management zone; or

(b) Pile or windrow slash; or

(c) Mechanically scatter slash; or

(d) Leave the cutover area in a condition for controlled broadcast burning, and subsequently burn.

(2) **Streamside management zones** may require special treatment to establish conditions suitable for reforestation. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-30-090, filed 8/3/82, effective 10/1/82; Order 263, § 222-30-090, filed 6/16/76.]

**WAC 222-30-100 Slash disposal.** (1) **Slash disposal techniques:**

(a) Except on sites where the department determines that a particular method would cause unreasonable risk to public resources, any conventional method of slash disposal may be used, such as: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands.

(b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to prevent damage to streamside management zones, soil, residual timber, public resources, and other property.

\***(c) Location of slash piles.** Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the 25-year flood level of any Type 1 or 2 Water, or below the ordinary high-water mark of any Type 3 or 4 Water, or in locations from which it could be expected to enter any stream, lake or pond.

(2) **Slash disposal** is required when abatement of extreme fire hazard is required by law (see WAC 332-24-360).

(3) **Slash disposal** is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

\***(4) Removing slash and debris** from streams.

(a) "Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2 or 3 Waters, to above the 25-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the 25-year flood level of Type 1 or 2 Waters, slash disposal is required.

(b) "Slash" and "debris" shall be removed from below the ordinary high-water mark of Type 4 Waters, when the department issues written notice for removal of the slash or debris because of potential damage to public resources. See Part 6 of the Forest Practices Board Manual for "Guidelines for Clearing Slash and Debris from Type 4 Waters."

\***(5) Fire trails.**

(a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the 50-year flood level. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-30-100, filed 8/3/82,

effective 10/1/82; Order 263, § 222-30-100, filed 6/16/76.]

### Chapter 222-34 WAC REFORESTATION

#### WAC

222-34-010	Required reforestation—West of cascades summit.
222-34-020	Required reforestation—East of cascades summit.
222-34-030	Reforestation—Plans—Reports—Inspections.
222-34-040	Site preparation and rehabilitation.

**Reviser's note:** For an explanation of the regulations marked with an asterisk (\*), see WAC 222-12-010.

#### WAC 222-34-010 Required reforestation—West of cascades summit. (1) Reforestation - where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban uses, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting; or

(ii) Partial cutting where 50 percent or more of the timber volume is removed within any 5-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged; or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes; for example, removal of individual trees from lands used for farming or grazing; or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber; or

(iv) A minimum of 300 vigorous, undamaged seedlings, saplings, or merchantable trees per acre remain after logging, or combinations thereof, well-distributed on the area harvested.

(2) **Acceptable stocking.** Stocking levels are acceptable if 300 well-distributed, vigorous seedlings per acre of commercial tree species or such lesser number as the department determines will fully utilize the timber growing capacity of the site, have survived on the site at least 1 growing season. "Well-distributed" shall mean that no significant plantable area contains fewer than the equivalent of 300 trees per acre.

(3) **Competing vegetation.** Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

(4) **Artificial regeneration standards.**

(a) **Satisfactory reforestation - clearcuts.** Satisfactory reforestation of a clearcut harvest occurs if within 3 years of completion of harvest, or a period of from 1 to 5 years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in subsection (2) of this section: *Provided*, That regeneration failures from

causes beyond the applicant's control will not result in violation of this section, but supplemental planting may be required (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest land owner's control require delay in planting or seeding.

(i) **Reforestation species.** Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(A) Site data indicates better potential production for the proposed species than the existing species.

(B) Control of forest insects or diseases.

(C) Greater economic return.

(ii) **Seedling or seeding standards.** Except as approved by the department to qualify as acceptable reforestation, the seedlings or seeds must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) **Satisfactory reforestation - partial cuts.** Where reforestation is required in connection with a partial cut, the harvest application shall include a plan for stocking improvement. The plan shall be approved unless the department determines that it will not reasonably utilize the timber growing capacity of the site to the extent practical.

(5) **Natural regeneration standards.** A natural regeneration plan may be approved as acceptable reforestation if:

(a) A seed source of well formed trees of commercial tree species, capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan, or until issuance of a satisfactory reforestation inspection report.

(c) The seed source must consist of:

(i) Seed blocks of sizes and locations shown on the plan and satisfactory to the department; or

(ii) An average of at least 8 individually marked, well-distributed, undamaged, vigorous, windfirm seed trees per acre of plantable area and no inadequately stocked area is more than 400 feet from the nearest seed tree; and

(iii) Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

(6) **Any alternate plan** for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in subsection (2) of this section within a period of 1 to 5 years. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-34-010, filed 8/3/82, effective 10/1/82; Order 263, § 222-34-010, filed 6/16/76.]

WAC 222-34-020 Required reforestation—East of cascades summit. (1) Reforestation - where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban use, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting; or

(ii) Partial cutting where 50 percent or more of the timber volume is removed within any 5-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged; or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes, for example, removal of individual trees from lands used exclusively for farming or cultivated pasture; or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber; or

(iv) A minimum of 100 vigorous undamaged seedlings, saplings or merchantable trees per acre of a commercial tree species remain after logging, or combinations thereof, well-distributed on the area harvested.

(2) **Acceptable stocking.** Stocking levels are acceptable if 150 well-distributed, vigorous seedlings per acre of commercial tree species have survived on the site at least 1 growing season. "Well-distributed" means that no significant plantable area contains fewer than the equivalent of 150 trees per acre. Lesser numbers of trees per acre may be acceptable if the department determines that the timber growing capacity of the site will be fully utilized.

(3) **Competing vegetation.** Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

(4) **Artificial regeneration standards.**

(a) **Satisfactory reforestation - clearcuts.** Satisfactory reforestation of a clearcut harvest occurs if within 3 years of completion of harvest or a period of from 1 to 5 years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in subsection (2) of this section: *Provided*, That regeneration failures from causes beyond the applicant's control will not result in a violation of this section, but supplemental planting may be required (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest landowner's control require delay in planting or seeding.

(i) **Reforestation species.** Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the

proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(A) Site data indicates better potential production for the proposed species than the existing species.

(B) Control of forest insects or diseases.

(C) Greater economic return.

(ii) **Seedling and seed standards.** Except as approved by the department to qualify as acceptable reforestation, the seedlings and seed must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) **Satisfactory reforestation - partial cuts.** Partial cuts not meeting the specifications of subsection (1)(b)(iv) of this section shall have a seed source as required in subsection (5)(c)(ii) of this section.

(5) **Natural regeneration standards.** A natural regeneration plan may be approved by the department as acceptable reforestation if:

(a) A seed source of well-formed, vigorous trees of commercial tree species capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan or until issuance of a satisfactory reforestation inspection report.

(c) The seed source consists of one of the following, or combinations thereof:

(i) Seed blocks which total a minimum of 5 percent of the area of each 40 acre subdivision or portion thereof harvested: *Provided*, That the seed block should be reasonably windfirm, at least 1/2 acre in size, and reserved in locations shown on the plan and approved by the department; or

(ii) A minimum of 4 undamaged seed trees per acre, well distributed over each 40 acre subdivision or portion thereof harvested: *Provided*, That the distance from seed trees of harvested areas that are not adequately stocked should not be more than 200 feet. Seed trees shall be of commercial tree species, vigorous and of seed-bearing age and size.

(6) **Any alternate plan** for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in subsection (2) of this section within a period of 1 to 5 years. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-34-020, filed 8/3/82, effective 10/1/82; Order 263, § 222-34-020, filed 6/16/76.]

**WAC 222-34-030 Reforestation--Plans--Reports--Inspections.** (1) **Reforestation plans.** Reforestation plans must be submitted with the application or notification except where no reforestation is required. The department shall designate difficult regeneration areas utilizing silvicultural information. The department shall approve a reforestation plan for difficult regeneration areas if it determines that such a plan will achieve acceptable stocking according to WAC 222-34-010 and 222-34-020.



(2) **Reforestation reports.** The landowner, forest landowner or his designee shall file a report with the department either at the time of completion of planting or at the end of the normal planting season. When artificial seeding is used the report shall be filed 2 growing seasons after seeding.

(3) **The reports in subsection (2) of this section must contain at least the following:**

(a) The original forest practice application or notification number.

(b) Species planted or seeded.

(c) Age of stock planted or seed source zone.

(d) Description of actual area planted or seeded.

(4) **Inspection; supplemental planting directives.**

(a) Within 12 months after a reforestation report is received, the department shall inspect the reforested lands.

(b) If the inspection shows that acceptable stocking levels have not been achieved, the department shall direct the forest landowner to perform supplemental planting in accordance with the planting standards of WAC 222-34-010 (4)(a)(ii), 222-30-020(3), 222-34-020 (4)(a)(ii) and 222-30-010(3): *Provided, That:*

(i) In lieu of such supplemental planting, the department and the forest landowner may agree on a supplemental reforestation plan.

(ii) Supplemental planting shall not be required in the eastside region where in the opinion of the department planting is not feasible due to rocky ground, dry conditions or other adverse site factors.

(iii) Supplemental planting shall not be required if the department determines that there is little probability of significantly increasing the stocking level.

(iv) Except where stocking improvement is necessary to protect public resources and is feasible, further supplementary planting shall not be required where acceptable stocking levels have not been achieved after two properly performed supplemental plantings.

(c) **Evidence of compliance.** If the department determines on inspection that acceptable reforestation has been achieved, on the request of the forest landowner the department shall confirm in writing that no further reforestation obligations remain. If no supplemental planting directive has been issued within 30 days after the deadline for the inspection, reforestation shall be deemed satisfactory unless the department has informed the landowner prior to the deadline that further inspections by the department on the area are needed.

(d) Where a natural regeneration plan has been approved by the department, the department may allow up to 5 years to achieve acceptable stocking levels. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-34-030, filed 8/3/82, effective 10/1/82; Order 263, § 222-34-030, filed 6/16/76.]

**WAC 222-34-040 Site preparation and rehabilitation.** \*(1) **Heavy equipment.** Heavy equipment shall not be used in connection with site preparation or rehabilitation work:

(a) When, because of soil moisture conditions or the type of soils, undue compaction or erosion would result; or

(b) In Type 1, 2 or 3 Water, except as approved by the departments of fisheries and game.

(c) In streamside management zones except as permitted in WAC 222-30-020(4) streamside management zone or WAC 222-30-030 stream bank integrity.

\*(2) **Surface water drainage.** Where site preparation or rehabilitation involves contouring or terracing of slopes, drainage ditches, or similar work:

(a) The gradient of ditches or other artificial water courses in erodible soils shall not cause significant stream, lake or pond siltation.

(b) Ditches and other artificial water courses shall not discharge onto any road, landing or fill.

(c) Ditches and other artificial water courses shall not be constructed to discharge onto the property of other parties without their consent.

(3) **Stream channel alignment.** Where work involves deepening, widening, straightening or relocating the channel; or bulkheading, riprapping or otherwise stabilizing the banks of a Type 1, 2 or 3 Water, the work shall be done only:

(a) After consultation with any party having an appropriation permit or registered right to appropriate waters from the affected stream segment in cases of streams used for domestic water supplies.

(b) Where no significant adverse affects on either the peak or minimum water levels or flows downstream can be expected.

(c) In a manner not expected to result in long-term damage to public resources or to adjacent or downstream property. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.) [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-34-040, filed 8/3/82, effective 10/1/82; Order 263, § 222-34-040, filed 6/16/76.]

## Chapter 222-38 WAC FOREST CHEMICALS

### WAC

222-38-010 Policy—Forest chemicals.

222-38-020 Handling, storage, application.

**Reviser's note:** For an explanation of the regulations marked with an asterisk (\*), see WAC 222-12-010.

**WAC 222-38-010 Policy—Forest chemicals.** Chemicals perform important functions in forest management. The purpose of these regulations is to regulate the handling, storage and application of chemicals in such a way that the public health, soils, wildlife and aquatic habitat will not be endangered by contamination. This section in no way modifies the state department of agriculture regulations governing chemicals. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.) [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-38-

010, filed 8/3/82, effective 10/1/82; Order 263, § 222-38-010, filed 6/16/76.]

**WAC 222-38-020 Handling, storage, application.**

**\*(1) Leakage.**

(a) No significant leakage of chemicals into water or soil is permitted from any equipment used for their transportation, storage, mixing or application.

(b) The department or the department of agriculture may suspend further use of any equipment responsible for significant chemical leakage, until the deficiency has been corrected to the satisfaction of the department suspending its usage.

**\*(2) Mixing.** When water is used in mixing of chemicals:

(a) Provide an air gap or reservoir between the water source and the mixing tank.

(b) Use uncontaminated pumps, hoses and screens.

**\*(3) Mixing and landing areas.**

(a) Mix chemicals and clean tanks and equipment only where any spills would not enter any water types.

(b) Landing areas should be located where spillage of chemicals will not cause them to become a contaminate. If any chemical is spilled, immediate appropriate procedures should be taken to contain or neutralize it.

**\*(4) Aerial application.**

(a) Leave at least 50 feet untreated on each side of all Type 1 and 2 Water and other areas of open water, such as ponds or sloughs or leave 25 feet untreated on each side of Type 3 Waters.

(b) Leave at least 25 feet untreated on each side of flowing Type 4 Waters when required by the department. The department may so require when there is a likelihood of unreasonable impact on:

(i) Water intakes authorized by permit or certificate pursuant to chapter 90.03 RCW or duly registered pursuant to chapter 90.14 RCW, known to the applicant or the department; or

(ii) Streams or segments of streams which have been identified by the department of game or the department of fisheries as serving artificial fish rearing or incubation facilities.

See Part 8 of the Forest Practices Board Manual for guidelines for requiring untreated strips on Type 4 Waters.

(c) Where practical, apply the initial swath parallel to the untreated zones in subsection (4)(a) of this section on Type 1, 2 or 3 Waters.

(d) Use a bucket or spray device capable of immediate shutoff.

(e) Shut off chemical application during turns and over open water.

(f) Avoid direct entry of chemicals into any Type 1 or flowing Type 2 or 3 Waters or those Type 4 Waters identified in subsection (b) of this section.

(g) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units so they are visible from the air. Before application of the chemical an over-flight of the area shall be made by the pilot and a responsible agent of the landowner.

(h) Any water purveyor of a certified Class 1, 2 or 3 system, as defined in WAC 248-54-560, may request the department to designate lands within the watershed upstream of the surface water intake of the affected water supply as an "area of water supply interest." Prior to requesting such designation, the purveyor shall personally or by certified mail deliver to each landowner of record within such area, a copy of the request, a map showing proposed area boundaries and the name and address of the purveyor. The department may designate an "area of water supply interest" in such area(s) where it determines that the aerial application of pesticides may adversely impact the affected water supply. Where the department has designated an "area of water supply interest," it shall notify the purveyor of any Class IV Forest Practices for the aerial application of pesticides.

**\*(5) Stream protection - ground application with power equipment.**

(a) Leave at least 10 feet untreated on each side of every Type 1 and 2 Water and each flowing Type 3 Water.

(b) Avoid direct entry of chemicals into any water.

(c) Avoid exceeding intended or allowable dosages.

**\*(6) Stream protection - hand application.**

(a) Apply only to specific targets, such as a stump, burrow, bait or trap.

(b) Keep chemicals out of all water.

(7) **Limitations on application.** Chemicals shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(8) **Container disposal.** Chemical containers shall be either:

(a) Removed from the forest and disposed of in the manner described by the state department of agriculture; or

(b) Removed and cleaned for reuse in a manner not inconsistent with any applicable regulations of the state department of agriculture or the state or local health departments; or

(c) Buried in a manner approved by the department.

(9) **Daily records - aerial application of pesticides.** On all aerial applications of pesticides, the operator shall maintain for 3 years daily records of spray operations as required by the state department of agriculture WAC 16-235-030.

**\*(10) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department and the departments of agriculture and ecology. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-38-020, filed 8/3/82, effective 10/1/82; Order 263, § 222-38-020, filed 6/16/76.]

**Chapter 222-50 WAC**  
**RELATIONSHIP TO OTHER LAWS AND**  
**REGULATIONS**

WAC

- 222-50-020 Other agency requirements.
- 222-50-060 Other regulatory programs administered by the department.

**WAC 222-50-020 Other agency requirements.** (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

(2) Hydraulics project approval law, RCW 75.20.100. A hydraulics project approval must be obtained from the department of fisheries and the department of game prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC 232-12-655.

(3) **Compliance with the Shoreline Management Act**, chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the department of game to protect wildlife under any other statutes or regulations, or under any agreements with landowners. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077 (Resolution No. 82-1), § 222-50-020, filed 8/3/82, effective 10/1/82; Order 263, § 222-50-020, filed 6/16/76.]

**WAC 222-50-060 Other regulatory programs administered by the department.** The board recommends that, to the extent permitted by law and when necessary the department adopt regulations and policies under which approved applications and notifications can serve to eliminate or reduce the need for separate permits and approvals under regulatory programs administered by the department (such as the power driven machinery permits, RCW 76.04.275, dumping mill waste and forest debris permit, RCW 76.04.242, and surface mining permits, chapter 78.44 RCW) as applied to forest practices. The department is directed to notify the public of the existence of such regulations and policies. [Statutory Authority: RCW 76.09.040 and 76.09.050. 82-16-077

(Resolution No. 82-1), § 222-50-060, filed 8/3/82, effective 10/1/82; Order 263, § 222-50-060, filed 6/16/76.]

**Title 223 WAC**

**FOREST PRACTICES APPEALS BOARD**

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- 223-08-220 Hearing—Transcripts.
- 223-08-230 Repealed.
- 223-08-235 Decision—Exceptions.
- 223-08-245 Decision—Final decision—Proposed decision.
- 223-08-250 Decision—Final decision—No proposed decision.
- 223-08-260 Appeal—Superior court petition.
- 223-08-265 Appeal—Certification of record.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 223-08-025 Board administration—Executive secretary. [Order 004, § 223-08-025, filed 11/10/75] Repealed by 82-09-024 (Order 82-1, Resolution No. 82-1), filed 4/13/82. Statutory Authority: RCW 76.09.230(4).
- 223-08-145 Hearing—Superior court rules before hearing. [Order 004, § 223-08-145, filed 11/10/75] Repealed by 82-09-024 (Order 82-1, Resolution No. 82-1), filed 4/13/82. Statutory Authority: RCW 76.09.230(4).
- 223-08-230 Decision—Additional evidence by appeals board. [Order 004, § 223-08-230, filed 11/10/75] Repealed by