

Chapter 222-50 WAC

RELATIONSHIP TO OTHER LAWS AND REGULATIONS

WAC

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WAC 222-50-010 Policy. A major policy of the Forest Practices Act and the board is to work toward a comprehensive, statewide system of laws and rules for forest practices which avoids unnecessary duplication and provides for interagency input and cooperation to the extent that can be accomplished without interfering with the authority of the affected federal, state, regional and local agencies.

[Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-50-010, filed 5/30/01, effective 7/1/01; Order 263, § 222-50-010, filed 6/16/76.]

WAC 222-50-020 Other agency requirements. (1) Many other laws and rules 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 practices 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**, chapter 77.55 RCW. A hydraulics project approval must be obtained from the department of fish and wildlife 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 chapter 77.55 RCW and WAC 232-14-010.

*** (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 rules is intended to interfere with any authority of the department of fish and wildlife to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

(5) Federal Endangered Species Act, 16 U.S.C. 1531 et seq., and other federal laws. The federal Endangered Species Act and other federal laws may impose certain obligations on persons conducting forest practices. Compliance with the

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Forest Practices Act or these rules does not ensure compliance with the Endangered Species Act or other federal laws.

[Statutory Authority: RCW 76.09.040, 08-24-011, § 222-50-020, filed 11/21/08, effective 12/22/08. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-50-020, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW, 97-24-091, § 222-50-020, filed 12/3/97, effective 1/3/98; 93-12-001, § 222-50-020, filed 5/19/93, effective 6/19/93. Statutory Authority: RCW 76.09.040, 88-19-112 (Order 551, Resolution No. 88-1), § 222-50-020, filed 9/21/88, effective 11/1/88. 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 222-50-030 Interagency agreements. The board recommends that the department negotiate interagency agreements with other governmental agencies. The board further recommends that such agreements include, to the extent acceptable to the other agency, provisions specifying:

- (1) **The law** and rules covered;
- (2) **Any geographical** or other limits on the authority and responsibility under the agreement;
- (3) **Priorities** and standards for resolution of any conflicts between such laws and regulations and the act and these rules;
- (4) **Procedures** for administrative appeals of actions taken;
- (5) **Provisions for** continuing cooperation between the department and the other agency or agencies regarding interpretation of the laws and regulations involved;
- (6) **Procedures for** termination of the interagency agreement; and
- (7) **Procedures for** processing applications and notifications.

The department is directed to provide copies of all such agreements to the board, and to make known to the public that such interagency agreements exist.

[Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9), 01-12-042, § 222-50-030, filed 5/30/01, effective 7/1/01. Statutory Authority: RCW 76.09.040, 76.09.050 and 34.05.350, 91-23-052, § 222-50-030, filed 11/15/91, effective 12/16/91; Order 263, § 222-50-030, filed 6/16/76.]

WAC 222-50-040 Safety and health. The forest practices rules contained in chapters 222-24 through 222-38 WAC are automatically superseded to the extent inconsistent with any applicable safety regulations, or with any orders or directives having the force of law and based on any applicable safety regulations, including:

- (1) **Chapter 296-54 WAC** (safety standards for logging operations, department of labor and industry's division of safety).
- (2) **Chapter 296-24 WAC** (general safety and health standards, department of labor and industry's division of safety).

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(3) **All applicable** Federal Occupational Safety and Health Administration regulations.

(4) **Regarding aircraft**, chapters 12-24, 12-28, and 12-32 WAC (Washington aeronautics commission).

(5) **Regarding explosives**, chapter 296-52 WAC (department of labor and industry) and all applicable federal regulations.

(6) **Regarding chemicals**, chapter 16-228 WAC (department of agriculture) and all applicable federal regulations.

(7) **All applicable** state and local sanitation regulations relating to municipal watersheds and sources of domestic water supply.

In such cases of conflict, the department is authorized to seek from other agencies such waivers or modifications in the applicable safety and health regulations as may be necessary for the department to be able to fully enforce the forest practices rules contained in chapters 222-24 through 222-38 WAC.

Applicants are cautioned that there may be additional safety and health laws and regulations that may be applicable in addition to those specifically listed above.

[Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-50-040, filed 5/30/01, effective 7/1/01; Order 263, § 222-50-040, filed 6/16/76.]

WAC 222-50-050 Forest fire prevention and suppression. All laws and rules relating to forest fire prevention and suppression apply in addition to these forest practices rules and, in cases of conflict, supersede the forest practices rules contained in chapters 222-24 through 222-38 WAC.

[Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-50-050, filed 5/30/01, effective 7/1/01; Order 263, § 222-50-050, 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 rules 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 rules and policies.

[Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-50-060, filed 5/30/01, effective 7/1/01. 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.]