WASHINGTON STATE DEPARTMENT OF
Natural Resources

PETER GOLDMARK
Washington State Commissioner of Public Lands

MEMORANDUM

October 17, 2011

TO: Forest Practices Board

FROM: Marc Engel, Assistant Division Manager, Policy and Services

Subject: 2012 Work Plan

At your November 8th meeting I will present the staff recommended priorities for the 2012 Board Work Plan (attached). The plan incorporates recommendations for rule makings, board manual development and recommendations from Forests and Fish Policy to consider Adaptive Management Program actions.

Governor Chris Gregoire has extended Executive Order 10-06 Suspending Non–Critical Rule Development and Adoption until December 31, 2012. The Order directs state agencies to review proposed rule makings according to Office of Financial Management (OFM) guidance for circumstances in which rule making should proceed.

A review of the proposed 2012 Forest Practices Board rule makings for compliance with the OFM guidance (attached) finds:

- The Conversion activities and Lands Platted, FREP, Critical Habitats and Critical Habitats (SEPA) rule makings meet approval guideline 3.a. as rule makings *required by federal or state law or required to maintain federally delegated or authorized programs*;
- The Notice of Forest Practices to Affected Indian Tribes rule making meets approval guideline 3.e. as a rule making *beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.*

We will also confirm the proposed meeting dates for 2012 which are February 14, May 8, August 14 and November 13. These dates occur on the 2nd Tuesday of February, May, August and November in order to accommodate Board Member Somers' schedule as County Commissioner. Please bring your 2012 calendars to confirm these dates. Once these dates are scheduled, staff will notify the Office of the Code Reviser for publication in the Washington State Register.

Also attached for your review is the work accomplished for year 2011. I look forward to providing you further information on November 8. If you have questions in the meantime, please do not hesitate to contact me at (360) 902-1390 or marc.engel@dnr.wa.gov.

MDE/paa
Attachment

1111 WASHINGTON ST SE • PO BOX 47041 • OLYMPIA, WA 98504-7041
TEL: (360) 902-1250 • FAX: (360) 902-1780 • TTY: (360) 902-1125
Equal Opportunity / Affirmative Action Employer

FOREST PRACTICES BOARD
DRAFT 2012 WORK PLAN

TASK	COMPLETION DATE
2013 Work Planning	November
Adaptive Management Program	
• CMER 2013 Work Plan and Budget	May
• Extensive Riparian Shade and Trend Monitoring Type F/Eastside Temperature Study	May
• Extensive Riparian Type F&N Monitoring/Westside Temperature Study	November
• The Mass Wasting Effectiveness Monitoring Project: A Post Mortem Study Examination of the Landslide Response to the December 2007 Storm in Southwestern Washington	August
• Program Funding	On-going
• Solar Radiation Study	May
• Westside Type N Buffer Characteristics, Integrity & Function	May
Annual Reports	
• Compliance Monitoring Bi-Annual Report	February
• Forests and Fish Policy Priorities	August
• Northern Spotted Owl Conservation Advisory Group	November
• Taylor's Checkerspot Butterfly Report	February
• TFW Cultural Resources Roundtable	August
• Clean Water Act Assurances	February & August
Board Manual Development	
• Section 1, Shade	August
• Section 7, Riparian Management Zones	November
• Section 16, Unstable Slopes	February
• Section 24, Bull Trout Overlay	November
CMER Membership	As needed
Rule Making	
• Conversion Activities & Lands Platted after 1960 (implement 2007 legislation and clean-up)	November
• Critical Habitats	February
• Critical Habitats (SEPA)	November
• Forestry Riparian Easement Program	May
• Notice of Forest Practices to Affected Indian Tribes	February
Upland Wildlife Northern Spotted Owl	On-going
Quarterly Reports	
• Adaptive Management Program & Strategic Plan Implementation	Each regular meeting
• Board Manual Development	Each regular meeting
• Compliance Monitoring	Each regular meeting
• Legislative Update	February & May
• NSO Implementation Team	Each regular meeting
• Rule Making Activities	Each regular meeting
• Small Forest Landowner Advisory Committee & Office	Each regular meeting
• TFW Cultural Resources Roundtable	Each regular meeting

FOREST PRACTICES BOARD
2011 WORK PLAN

TASK	COMPLETION DATE / STATUS
2012 Work Planning	November
Adaptive Management Program	
• Extensive Riparian Shade and Trend Monitoring Type F/Eastside Temperature Study	*November*
• Extensive Riparian Type F&N Monitoring/Westside Temperature Study	*2012*
• CMER 2012 Work Plan and Budget	May - **Completed**
• Program Funding	On-going
• Program Review	*Loss of funding from Auditor's office – target 2013-15 biennium*
• Post Mortem Study	*2012*
• Roads Sub-basin Study	*August* – **Completed**
• Solar Radiation Study	*2012*
• Westside Type N Buffer Characteristics, Integrity & Function	*2012*
• Type N Experimental Buffer Treatment-Hard Rock (amphibian genetics)	*August* – **Completed**
Annual Reports	
• TFW Cultural Resources Roundtable	August – **Completed**
• Forests and Fish Policy Priorities	August – **Completed**
• Taylor's Checkerspot Butterfly Report	February – **Completed**
• Northern Spotted Owl Conservation Advisory Group	November
Board Manual Development	
• Section 1, Shade	*2012*
• Section 3, Roads	August - **Completed**
• Section 11, Watershed Analysis	May – **Completed**
• Section 18, Riparian Open Space	May – **Completed**
• Section 21, Fixed Width template	November
CMER Membership	As needed
Rule Making	
• Forest Biomass	May **– Completed**
• Notice of Forest Practices to Affected Indian Tribes	*February 2012*
• Riparian Open Space	May – **Completed**
• Watershed Analysis	May **– Completed**
• Extension of RMAP Forest Road Work Completion Date	August – **Completed**
• Conversion Activities, implement 2007 legislation and clean-up	*2012*
• Forestry Riparian Easement Program	*May 2012*
• Lands platted	*2012*

Italics = change in completion date or new task

Updated 10/2011

FOREST PRACTICES BOARD
2011 WORK PLAN

TASK	COMPLETION DATE / STATUS
• Trees & Houses	*2012*
• *Critical habitat*	*2012*
Upland Wildlife	February – **Completed**
Quarterly Reports	
Board Manual Development	Each regular meeting
Adaptive Management Program & Strategic Plan Implementation	Each regular meeting
Rule Making Activities	Each regular meeting
Compliance Monitoring	Each regular meeting
Small Forest Landowner Advisory Committee & Office	Each regular meeting
Legislative Update	February & May - **Completed**
Clean Water Act Assurances	Each regular meeting
NSO Implementation Team	Each regular meeting
TFW Cultural Resources Roundtable	Each regular meeting

STATE OF WASHINGTON
GOVERNOR'S EXECUTIVE POLICY OFFICE
100 Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113

October 12, 2011

TO: Agency Directors
Statewide Elected Officials
Presidents of Higher Education Institutions
Boards and Commissions

FROM: Kari Burrell
Director

SUBJECT: EXTENDING EXECUTIVE ORDER 10-06, SUSPENDING NON-CRITICAL RULE DEVELOPMENT AND ADOPTION

Our country and our state remain in the worst recession in 80 years. Small businesses are struggling. State and local governments have experienced severe revenue losses which have led to significant budget cuts. Both small businesses and governments benefit from having a stable and predictable regulatory environment in these difficult times.

Governor Chris Gregoire's Executive Order 10-06 is extended and directs state agencies to suspend development and adoption of rules until December 31, 2012. The Governor is directing agencies to suspend rule making that is not immediately necessary. She recognizes, however, that agencies should not suspend all rule making, as rule making is an essential government operations tool. She has asked the Office of Financial Management to provide guidance as to circumstances in which rule making should proceed.

This Executive Order applies to all cabinet agencies and boards, commissions and other agencies that report to the Governor. All other elected officials, institutions of higher education, agencies, boards, commissions and other entities with rule making authority are invited to follow the requirements of the Executive Order and these guidelines.

This memorandum provides guidelines for agencies to use when determining whether rule making should proceed:

Guidelines

1. Agencies shall review all rules in progress and their proposed rule making agenda for next year and identify those rules that can be suspended until after December 31, 2012.

2. In determining whether a rule should be suspended, agencies shall recognize the benefits of a stable regulatory environment. Where possible, agencies should redirect scarce resources away from rule making to front-line service delivery, including implementing and enforcing existing rules.

3. Rule making proceedings are non-critical unless the rule is:

    a. required by federal or state law or required to maintain federally delegated or authorized programs;

    b. required by court order;

    c. necessary to manage budget shortfalls, maintain fund solvency, or for revenue generating activities;

    d. necessary to protect public health, safety, and welfare or necessary to avoid an immediate threat to the state's natural resources;

    e. beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects; or,

    f. necessary to respond to current economic conditions or assist in long-term economic recovery, to include employment assistance, consumer protection or government reform.

4. If an agency decides to proceed with a rule that has a small business impact or an impact to local government, the agency must consult with small businesses and/or governments on how the impact can be mitigated. Agencies shall use online resources and technology to maximize efficiency of the rulemaking process for stakeholders.

5. Agencies may continue to adopt rules that have been the subject of negotiated rule making or pilot rule making that involved substantial participation by interested parties before the development of the proposed rule. Agencies can also proceed to finalize permanent rule making that has previously been covered by emergency rules.

6. Agencies may continue to adopt expedited rules under RCW 34.05.353 where the proposed rules relate only to internal governmental operations.

7. Each agency shall provide progress reports by December 31, 2011 and December 31, 2012 on the number of rules eliminated or suspended in response to this order as well as the number of and justification for rules that proceeded through development and/or adoption.