January 31, 2012

MEMORANDUM

TO: Forest Practices Board

FROM: Gretchen Robinson Gretchen
Forest Practices Division, Policy and Service Section

SUBJECT: Rule Making Related to Conversions of Forest Land to Non-forestry use

On February 14, 2012 I will request the Board's approval to file a CR-101 *Pre-proposal Statement of Inquiry* for rule making to incorporate several changes to the Forest Practices Act that have not yet been incorporated into the forest practices rules. The changes are related to conversions of forest land to non-forestry use.

For example, legislation was passed in 2011 (House Bill 1582) that eliminated "lands platted after January 1, 1960" from RCW 76.09.050 (classes of forest practices). Proposed forest practices on these platted lands are now not automatically assumed to be conversions to a non-forestry use, and therefore will not automatically be designated Class IV-general. Changes to chapter 222-20 WAC and WAC 222-16-050 are necessary to reflect that change in law.

Another change needed in chapter 222-20 WAC is to add a new notification procedure for instances where landowners conduct conversion activities without an approved forest practices application for such activities. The 2007 Legislature passed a bill that changed this process in law and the rule should be changed accordingly.

Finally, we are tracking the progress of current legislation that changes the authority of issuing notices of conversion activity from the Department of Natural Resources to the local governmental entity. Changes to the forest practices rules may be necessary if the legislation passes.

Publishing the pre-proposal statement (CR-101) is the first of three rulemaking steps required in the Administrative Procedure Act (chapter 34.05 RCW). It serves to provide an opportunity for interested parties to participate in the rulemaking process prior to an agency initiating rulemaking.

With the Board's approval, staff will file the CR-101 with the Code Reviser and begin rule development. We anticipate working with the Washington State Association of Counties and other interested parties while drafting rules, and we expect that we'll have a draft ready to send to the Board prior to the August 2012 meeting for further action.

GR/