



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Forest Practices Board

Subject of possible rule making:

Hydraulic project approvals for forestry activities and forest practices within urban growth areas.

Statutes authorizing the agency to adopt rules on this subject: RCW 76.09.040

Reasons why rules on this subject may be needed and what they might accomplish:

The 2012 Legislature passed Second Engrossed Substitute House Bill 6406 (2SSB 6406) which integrates hydraulic project approvals associated with forestry activities into the forest practices application (FPA) and review process.

In addition, certain portions of chapter 76.09 RCW related to forest practices within urban growth areas have not been incorporated into Title 222 WAC *Forest Practices*. It is preferable to add this information to the rules to facilitate appropriate and consistent implementation.

Therefore, the Board is considering rule making to:

- Incorporate the necessary changes from 2SSB 6406 into Title 222 WAC *Forest Practices*; and
- Clarify existing forest practices rule language related to forest practices within urban growth areas.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The Washington Department of Fish and Wildlife (WDFW) currently regulates hydraulic projects in fish habitat waters on forest land and determines standards for fish protection. The Forest Practices Board will coordinate with WDFW to incorporate fish protection standards into Title 222 WAC after WDFW adopts rules establishing a concurrence review process. This concurrence review process is to be integrated into the rules and the Department of Natural Resources' review of FPAs that include hydraulic projects.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Coordinate with WDFW on rule making to incorporate necessary changes from 2SSB 6406 into Title 222 WAC *Forest Practices*; include forest practices stakeholders in review of draft rules (Department of Ecology, WDFW, Washington State Association of Counties, U.S. Fish and Wildlife Service, NOAA Fisheries, and interested forest landowner and conservation organizations).

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Mail, fax, or email comments to:

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DATE

May 9, 2012

NAME (TYPE OR PRINT)

Bridget Moran

SIGNATURE

TITLE

Chair

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