



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: Experimental Research Treatments

Statutes authorizing the agency to adopt rules on this subject: The Forest Practices Board's authority to adopt forest practices rules is granted under RCW 76.09.040, .050, and .370. The pilot project process is authorized by RCW 34.05.313.

Reasons why rules on this subject may be needed and what they might accomplish: Washington State Department of Fish and Wildlife, Washington State Department of Ecology, Weyerhaeuser Company and Washington State University are implementing headwater research led by the Washington State Forest Practices Cooperative Monitoring Evaluation and Research (CMER) Adaptive Management program. This CMER funded research, known as the Type N Experimental Buffer Treatment Study, is a harvest-unit level evaluation of buffer effectiveness that will provide valuable information for the adaptive management of headwater streams.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The study has a peer-reviewed study design and work plan, involves the cooperation of multiple landowners (federal, state, and private), and has been highly supported by CMER and Forests and Fish Policy. In particular, it represents CMER's flagship study on headwater streams and is designated high priority. There is consensus among the CMER committee and Forests and Fish Policy that conducting this experiment (along with the associated harvest treatments) will inform the adaptive management for riparian buffers along non-fish bearing streams in western Washington. Both organizations include representatives of federal and state natural resource agencies including: U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration – Fisheries, Department of Fish and Wildlife, Department of Ecology, Department of Natural Resources, tribes and tribal organizations. Coordination of the project will occur via regularly scheduled CMER meetings, and the Forest Practices Board will be briefed on the progress and results of the study.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

See attachment A for description.

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

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DATE
February 25, 2008

NAME (TYPE OR PRINT)
Vicki Christiansen

SIGNATURE

TITLE
Forest Practices Board Chair

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 27, 2008
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WSR 08-06-040

Attachment A

The Type N Experimental Buffer Treatment Project tests the effectiveness of riparian management approaches that differ from the current rules in providing riparian functions along non-fish bearing streams in western Washington. The research could result in new rules developed through the adaptive management process. See RCW 76.09.370(7) and WAC 222-12-450. Pilot riparian management zone (RMZ) and sensitive site rules were previously granted on February 14, 2007 in order to apply the riparian treatments to four of the non-fish bearing streams included in this study. In addition to the previously granted pilot RMZ rule, a pilot even-aged harvest rule is required in order to apply the designated treatment at one site included in this study.

This project is a critically important step in determining whether performance goals are being met along Type N streams. This evaluation will be achieved by comparing the effectiveness of the Forests and Fish RMZ to alternative RMZs in maintaining important ecological functions provided by riparian forests. The ecological functions evaluated in this study include: large woody debris recruitment, shade, temperature, sediment filtering/bank stability, litter fall and downstream exports (nutrients, litter, and invertebrates). The project will compare the currently required RMZ along non-fish bearing streams to RMZs of greater length (100% of the non-fish bearing stream reach) and lesser length (0% of the non-fish bearing stream reach). Eighteen non-fish bearing streams are included in the study. Of these, five are reference sites that will not be harvested; four will receive RMZs consistent with current Forest Practice Rules; five will receive RMZs that exceed current Forest Practice Rules; and four will receive RMZs that do not meet current Forest Practice Rules. Application of treatments at the four latter sites was approved by the CR-101 signed on February 15, 2007.

In addition to the previously approved pilot RMZ rule, one study site requires a pilot even-aged harvest rule [WAC 222-30-025 (4)]. This study basin is located in Olympic region, Section 19, T21N, R8W. Timber harvest within the treatment basin will result in an area greater than 240 acres harvested within the last five years by even-aged harvest methods on land owned by one landowner. Current contiguous even-aged harvest adjacent to the study basin equals 234 acres. All tributaries contained within the existing 234-acre harvest drain to the Wishkah River. The study basin is 47 acres and drains to the Humptulips River. Once harvested, the total contiguous even-aged harvest would equal 281 acres (41 acres over that allowed under current Forest Practices). Harvest within the treatment basin would meet existing rule requirements if done after January 2009. However, project treatments need to be completed at this site in the spring/summer of 2008 to be consistent with the study plan, and meet other landowner objectives. All other applicable Forest Practices rules will be adhered to at all treatment sites.

Forest Practices Applications for study sites identified by CMER will only be approved for treatments consistent with the study plan, both Pilot CR-101's, and applicable HCP variances. The Forest Practices Applications will be designated as Class III for processing, and be approved or disapproved within 30 days of submittal of a complete application. The study has been designed to minimize the potential for damage to public resources while maintaining the quality of design and implementation necessary to address the study objectives. Study sites do not include riparian areas adjacent to any 303d listed waters, nor any areas that are subject to the Class IV-Special provisions of WAC 222-16-050(1). Care will be taken not to damage public resources with the application of treatments, and resources such as water quality and temperature will be regularly monitored. If damage to public resources occurs from the harvest treatments, the project lead will be immediately informed and consult with the Forest Practices Program, the Adaptive Management Administrator, the Department of Ecology and cooperating landowner about resource mitigation that supports the research needs while limiting damage. Study sites included in the study will be closely monitored by CMER for at least two years after the application of treatments. Landowner participants in this study include: Gifford Pinchot National Forest, Green Crow, Longview Timberlands LLC, Olympic National Forest, Rayonier, Washington State Department of Natural Resources, and the Weyerhaeuser Company.