



# 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:**

The Forest Practices Board is considering amending rules related to determining perennial initiation points on a Type Np Water.

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 76.90.040

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

WAC 222-16-030 and WAC 222-16-031 currently provide for water typing default basin sizes for Western and Eastern Washington on Type Np/Type 4 (perennial non-fish habitat) streams. The default option is for landowners who cannot identify the uppermost point of perennial flow with simple, non-technical observations.

Pursuant to RCW 76.09.370, the Forest Practices Board incorporates a scientific-based adaptive management process to determine the effectiveness of the 2001 forest practices rules in aiding Washington's salmon recovery effort. Under this adaptive management process, a scientific study has been completed by the Forest Practices Board's Cooperative Monitoring, Evaluation, and Research Committee, *Type N Stream Demarcation Study, Phase I: Pilot Results*. It indicates that the default basin sizes available for use in determining stream perennial initiation points are incorrect. The Board is considering eliminating the default basin sizes in the rules.

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

The Forest Practices Board adopts rules pertaining to water quality protection with agreement from the Washington Department of Ecology.

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

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

**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.)

Mall, email, or fax comments to:  
Forest Practices Board, c/o Patricia Anderson, Rules Coordinator  
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Forest Practices Division  
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**DATE**  
October 4, 2005

**NAME (TYPE OR PRINT)**  
Pat McElroy

**SIGNATURE**  
*Leanne Young, Acting for Pat McElroy*

**TITLE**  
Chair

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OCT 5 2005

TIME 9:11 AM

WSR 05-20-096