



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do NOT use for expedited rule making

Agency: Forest Practices Board

Subject of possible rule making:

FOREST ROAD CONSTRUCTION AND MAINTENANCE (Title 222 WAC)

(a) Statutes authorizing the agency to adopt rules on this subject:

The legislature directed the Forest Practices Board to adopt rules consistent with Second Substitute House Bill (SSHB) 1095. The Forest Practices Board's authority to adopt forest practices rules is granted under RCW 76.09.040.

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

SSHB 1095 amends portions of the Forest Practices Act, chapter 76.09 RCW, to limit the burden on small forest landowners from forest road maintenance and abandonment requirements. The Forest Practices Board is considering changes to Title 222 WAC necessary to comply with the legislation and to accomplish the same purpose.

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

The Forest Practices Board is the agency charged with establishing rules to protect public resources while maintaining a viable forest products industry; the Department of Natural Resources implements the rules.

Section 10 of SSHB 1095 directs the Department of Fish and Wildlife, in coordination with the Department of Natural Resources and lead entity groups, to establish a ranked inventory of fish passage barriers on land owned by small forest landowners. This ranked inventory will help the Department of Natural Resources to establish a funding order within a state-led cost sharing program provided for in SSHB 1095.

Pursuant to 76.09.040(2), any rules in Title 222 WAC that pertain to water quality protection can be amended only by agreement between the Board and the Department of Ecology. The Board will submit draft rules to the Department of Fish and Wildlife and counties of the state for comment prior to initiating the public notification and comment process.

The Forest Practices Board's small forest landowner advisory committee will be involved in rule development pursuant to RCW 76.13.110(4). The committee consists of seven members, including a representative from the Department of Ecology, the Department of Fish and Wildlife, a tribal representative, and four small forest landowners.

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

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

(e) 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 of persons to contact; describe meetings, other exchanges of information, etc.)

Mail, fax or email comments to:

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Pat McElroy

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TITLE

Forest Practices Board Chair

DATE

May 15, 2003