



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: Experimental Research Treatments

(a) 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.

(b) Reasons why rules on this subject may be needed and what they might accomplish: Two adaptive management research projects to be conducted by the Cooperative Monitoring, Evaluation and Research (CMER) Committee require experimental forest practices riparian treatments that will develop information that will be used to evaluate the Forest Practices Rules and may result in the development of new or modified rules through the adaptive management process: the Bull Trout Overlay Study and the Hardwood Conversion Study.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: There is consensus within both the CMER committee and Forests & Fish Policy that conducting these experimental treatments is a necessary part of adaptive management for the forest practices riparian rules. Both of these organizations include representatives of federal and state natural resource agencies including U.S. Fish & Wildlife Service, National Oceanic and Atmospheric Administration (NOAA) Fisheries, U.S. Environmental Protection Agency, Washington Departments of Fish & Wildlife, Ecology, and Natural Resources, and tribes and tribal organizations. U.S. Fish & Wildlife Service and NOAA have provided letters related to the studies affect on listed aquatic species. Coordination of the projects will occur via regularly scheduled CMER meetings; and the Forest Practices Board will be briefed on the progress and results of the studies.

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

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

See Attachment A for description.

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

Mail, fax or e-mail comments to:

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STATE OF WASHINGTON
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## Attachment A

This is a pilot that tests the feasibility of different riparian management approaches than current rules to providing proper riparian functions. The pilot could result in new rules developed through the adaptive management process. See RCW 76.09.370(7) and WAC 222-12-045. Some of the forest practices conducted under this pilot could require waiver of certain specified existing forest practice rules (rules listed below) to execute the riparian treatments designated for a particular study site in the study. The Forest Practices Board determines that the waiver of specified rules is in the public interest and necessary to conduct the research projects.

Forest practices applications for study participants will only be approved for management practices consistent with the studies and this Pilot CR-101 on the study sites identified by CMER. 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 studies have been designed to minimize the potential for damage to public resources while furthering scientific experimentation. The length of the riparian areas that will be treated with the experimental prescriptions will be limited. Study sites will not include riparian areas adjacent to any 303d listed impaired waters, nor any areas that are subject to the Class IV-Special protections of WAC 222-16-050(1). If damage to public resources occurs from the harvest treatments, participating landowners will immediately consult with Forest Practices Program, the Adaptive Management Administrator, and Department of Ecology about possible resource mitigation that supports the research needs while limiting damage. The study sites in the projects will be closely monitored by CMER for several years.

The first project tests shade requirements within known bull trout habitat. The goal of this project is to determine whether the riparian prescriptions for the bull trout overlay area and the standard forest practices rules provide comparable protection for stream temperatures, and whether the prescriptions maintain riparian conditions that will meet water quality standards for temperature and bull trout thermal preferences. Riparian treatments will be harvested in accordance with all forest practices rules except (depending upon the particular study site's prescription), (1) the shade rule for the bull trout overlay, (2) the shade rule for streams outside the bull trout overlay, and (3) the RMZ inner zone widths, which will be 45-feet regardless of actual stream size, to provide consistency in prescriptions. WAC 222-30-040(1) states: "Within the bull trout overlay, all available shade will be retained within 75 feet from the edge of the bankfull width or the outer edge of the CMZ (whichever is greater) along Type S or F Waters." WAC 222-30-040(2) states: The temperature prediction method mentioned in subsections (2) and (3) of this section shall be used to determine appropriate shade levels along Type S and F Waters to prevent excessive water temperatures, which may have detrimental impact on aquatic resources. WAC 222-30-022 requires that streams greater than 15 feet have a 70-foot riparian inner zone. A detailed study plan is available that outlines specific objectives and the experimental design that will be used. The plan incorporated comments provided from an independent scientific peer review conducted by the University of Washington. The project is expected to be conducted on 40 forest study sites under individual forest practices applications. The treatments will occur within the next three years and be monitored for several years.

The second project tests hardwood conversion within riparian zones. The purpose of this project is to conduct operational trials in riparian stands dominated by red alder to determine the effectiveness of silvicultural treatments in regenerating conifer trees and maintaining them until they are on trajectory to form the dominant stand component. Riparian treatments will harvest in accordance with all forest practices rules except the hardwood conversion rule, WAC 222-30-021(1)(b)(i). The hardwood conversion rule sets limitations on management activities designed to convert hardwood-dominated riparian areas into conifer-dominated stands. A detailed study plan is available that outlines the specific objectives and treatments on a site specific basis. The project is expected to be conducted on approximately 20 forest study sites under individual forest practices applications. The treatments will occur within the next three years and be monitored for several years.

Landowners have volunteered to participate in these studies by providing study sites, access to study sites, performing forest management activities according to the study plan, and deferring management within research control areas for several years. Landowner participants in the bull trout study include: Boise, The Campbell Group, Empire Paper Company, Longview Fibre Company, Riley Creek Timber, Stimson Lumber Company, and the Washington Department of Natural Resources (state trust lands). Landowner participants in the hardwood conversion study include: Weyerhaeuser Company, Green Crow, Longview Fibre Company, Rayonier, and Merrill and Ring.