



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:

WAC 222-16-080 Critical habitat (state) of threatened and endangered species

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 Washington Fish and Wildlife Commission (Commission) has removed the bald eagle from the state threatened or endangered list and amended WAC 232-12-292 pertaining to Bald eagle protection to require bald eagle management plans for land-use activities only when the bald eagle is listed as state threatened or endangered. The Commission has also removed the peregrine falcon from the state threatened and endangered list. This rule making will reflect these changes by removing the bald eagle and peregrine falcon from the Forest Practices Board's critical habitat (state) list, and also update the common and scientific name for the western pond turtle on the Board's list.

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

The United States Fish and Wildlife Service through their administration of the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act which provides protection to the bald eagle and peregrine falcon. The Washington Department of Fish and Wildlife (WDFW) through their administration of WAC 232-12-292 has an interest in this rule development. The Board has had ongoing coordination meetings with WDFW and will continue to do so to implement rule changes.

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

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

The Board will request input from interested stakeholders to develop rule language. The Board will also solicit input from counties, the Washington Department of Fish and Wildlife, and tribes pursuant to RCW 76.09.040(2).

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
August 10, 2011

NAME (TYPE OR PRINT)
Bridget Moran

SIGNATURE

TITLE
Chair

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