



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Subject of possible rule making: Washington Administrative Code (WAC) sections 220-110-200 through 220-110-206 establish the rules under which mineral prospecting and placer mining activities may be conducted pursuant to RCW 77.55.091. The Washington Department of Fish and Wildlife anticipates amending the current rules to address concerns that recent amendments to the rules may result in harm to fish listed under the federal Endangered Species Act.

Statutes authorizing the agency to adopt rules on this subject: RCW 77.55.091

Reasons why rules on this subject may be needed and what they might accomplish: Recent amendments to the mineral prospecting rules, effective April 3, 2009, made changes to the previous rules in several areas, including expanding the range of activities that may be conducted outside authorized work windows established to protect fish. Since the adoption of these changes, the National Marine Fisheries Service has expressed concern that certain activities conducted under the rules may cause harm to fish listed under the federal Endangered Species Act. The Washington Department of Fish and Wildlife anticipates proposing amendments to the rules to address these concerns.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The National Marine Fisheries Service manages and protects Pacific salmon and other species listed under the Endangered Species Act. The Washington Department of Fish and Wildlife will coordinate with the National Marine Fisheries Service to identify the specific changes to the rules that are necessary to avoid harm to listed species.

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.)

Contact Lori Preuss, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091
Phone (360) 902-2930; fax (360) 902-2155; e-mail at Lori.preuss@dfw.wa.gov.

Contact by April 6, 2010. Expected proposal filing on or after April 21, 2010.

DATE
February 23, 2010

NAME (TYPE OR PRINT)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

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