



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: Procedures for the Washington Department of Fish and Wildlife (WDFW) concurrence review process for specific hydraulic projects (HPAs) associated with forest practices applications (FPAs).

Statutes authorizing the agency to adopt rules on this subject: Second Engrossed Substitute Senate Bill 6406 (2ESSB 6406), section 201(3).

Reasons why rules on this subject may be needed and what they might accomplish: Rule-making is mandated by 2ESSB 6406 to fulfill WDFW's obligation to integrate hydraulic project approvals (HPAs) with forest practices applications (FPAs). These rules will identify the procedures WDFW habitat biologists use to review and provide concurrence with specific hydraulic projects associated with FPAs.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Department of Natural Resources (DNR) and the Forest Practices Board (FPB) develop and implement rules associated with forest practices. 2ESSB 6406 mandates that the FPB integrate existing WDFW hydraulic code rules pertaining to forest practices into forest practices rules by December 2013. DNR also must develop a FPB manual to provide guidance for implementing these rules. WDFW must adopt rules to create a concurrence review process for its regional habitat biologists. Finally, WDFW and DNR will enter into a memorandum of agreement (MOA) to define how the two agencies will work together to implement the integrated FPA/HPA rules.

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.)

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Contact by October 17, 2012. Expected proposal filing on or after October 24, 2012.

Date August 7, 2012
NAME (TYPE OR PRINT) Lori Preuss
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<div style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;">OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: August 07, 2012 TIME: 8:48 AM</p> <p>WSR 12-17-031</p> </div>