



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: Experimental Research Treatments

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.

Reasons why rules on this subject may be needed and what they might accomplish: Department of Fish and Wildlife, Department of Ecology, Weyerhaeuser Company and Washington State University are implementing headwater research led by the Cooperative Monitoring, Evaluation and Research (CMER) Adaptive Management program. This CMER funded research, known as the Type N Experimental Buffer Treatment Study, is a harvest-unit level evaluation of buffer effectiveness that will provide valuable information for the adaptive management of headwater streams. This information may result in the development of new or modified rules through the adaptive management process.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The study has an extensively peer-reviewed study design and work plan, involves the cooperation of multiple landowners (federal, state, and private), and has been highly supported by CMER and Forests and Fish Policy. In particular, it represents CMER's flagship study on headwater streams and is designated high priority. There is consensus among the CMER committee and Forests and Fish Policy that conducting this experiment (along with the associated harvest treatments) will inform the adaptive management of riparian buffers along non-fish bearing streams in western Washington. Both organizations include representatives of federal and state natural resource agencies including: U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration – Fisheries, Department of Fish and Wildlife, Department of Ecology, Department of Natural Resources, tribes and tribal organizations. Coordination of the project will occur via regularly scheduled CMER meetings, and the Forest Practices Board will be briefed on the progress and results of the study.

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

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

See attachment A for description.

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

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DATE

February 15, 2007

NAME (TYPE OR PRINT)

Vicki Christiansen

SIGNATURE

TITLE

Forest Practices Board Chair

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 16, 2007

TIME: 10:11 AM

WSR 07-05-046

Attachment A

This is a pilot that tests the effectiveness of various riparian management approaches at providing proper riparian functions along non-fish bearing streams in western Washington. The research could result in new rules developed through the adaptive management process. See RCW 76.09.370(7) and WAC 222-12-450. Some of the forest practices conducted during this research will require waiver of various existing forest practice rules (rules listed below) in order to apply the riparian treatments to four of the non-fish bearing streams included in this study.

This project (Type N Experimental Buffer Treatment Study) is an experimental evaluation of the effectiveness of the riparian management zone (RMZ) prescriptions along non-fish-bearing streams and represents a critically important step in determining whether performance goals are being met. This study will achieve this evaluation by comparing the effectiveness of the Forests and Fish RMZ to alternative RMZs in maintaining important ecological functions provided by riparian forests. The ecological functions evaluated in this study include: large woody debris recruitment, shade, temperature, sediment filtering/bank stability, litterfall and downstream exports (nutrients, litter, and invertebrates). The project will compare the currently required RMZ along non-fish bearing streams to RMZs of greater length (100% of the non-fish bearing stream reach) and lesser length (0% of the non-fish bearing stream reach).

Eighteen non-fish bearing basins are included in the study. Of these, five are reference sites that will not be harvested; four will receive RMZs consistent with current Forest Practice Rules (50% RMZ); five will receive RMZs that exceed current Forest Practice Rules (100% RMZ); and four will receive RMZs that do not meet current Forest Practice Rules (0% RMZ). Of these latter four sites, two are on private lands and two are on State Lands. These four sites will require pilot RMZ and sensitive site rules [WAC 222-30-021(2)(b)] in order to accommodate the treatments. The RMZ treatments at the two State Lands sites have also been approved for an HCP variance by the Federal Services. All other applicable Forest Practices rules will be adhered to at these treatment sites. A detailed list of the treatment sites and the study plan is available upon requests from the Adaptive Management Program Administrator. The study plan incorporated comments provided by CMER and an independent scientific peer review.

Forest practices applications for study sites identified by CMER will only be approved for treatments consistent with the study plan. 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 study has been designed to minimize the potential for damage to public resources while maintaining the quality of design and implementation necessary to address the study objectives. The length of the riparian areas that will be treated with the experimental RMZs will be limited. Study sites will not include riparian areas adjacent to any 303d listed waters, nor any areas that are subject to the Class IV-Special provisions of WAC 222-16-050(1). Care will be taken not to damage public resources with the application of treatments, and resources such as water quality and temperature will be regularly monitored. If damage to public resources occurs from the harvest treatments, the project lead will be immediately informed and consult with the 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 at least two years after the application of treatments.

Landowner participants in this study include: Gifford Pinchot National Forest, Green Crow, Longview Fibre Company, Olympic National Forest, Rayonier, Washington State Department of Natural Resources, and the Weyerhaeuser Company.