



# PREPROPOSAL STATEMENT OF INQUIRY

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

**Agency:** Washington Department of Commerce

**Subject of possible rule making:**

Chapter 365-196 WAC, Procedural Criteria for Adopting Comprehensive Plans and Development Regulations;  
Chapter 365-190 WAC, Minimum Guidelines to Classify Agricultural, Forest and Mineral Lands and Critical Areas.  
Chapter 365-191 WAC, Voluntary Stewardship Program Approval Procedures.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 36.70A.050, RCW 36.70A.190, RCW 36.70A.705, and RCW 36.70A.735

**Reasons why rules on this subject may be needed and what they might accomplish:** The Growth Management Act (GMA) requires local jurisdictions to designate and protect critical areas. Implementing WACs do not adequately provide guidance on regulating agricultural activities where critical areas are present. This rulemaking effort will review court cases and best practices in regulating existing and new agricultural activities, and incorporate rules for the Voluntary Stewardship Program.

This notice amends the Preproposal Statement of Inquiry filed as WSR 16-13-134

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

Commerce will develop the proposed rules utilizing an advisory committee that will including the Department of Ecology, Department of Fish and Wildlife and the Washington State Conservation Commission. The rule development process will also include local governments responsible for adopting Critical Areas Ordinances and other interested parties.

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

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

Commerce will coordinate rule development with state and local government stakeholders.

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

For information, contact Scott Kuhta, Growth Management Services Unit, (509) 795-6884 or [scott.kuhta@commerce.wa.gov](mailto:scott.kuhta@commerce.wa.gov). Interested parties may also sign-up to receive information and participate in the formulation of proposed rules by contacting [WACupdate@commerce.wa.gov](mailto:WACupdate@commerce.wa.gov).

**DATE**  
January 10, 2017

**NAME (TYPE OR PRINT)**  
Jaime Rossman

**SIGNATURE**

**TITLE**  
Rules Coordinator

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STATE OF WASHINGTON  
FILED

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**WSR 17-03-065**