



# Fish Passage Rulemaking Update

# Overview

The Habitat Program is reviewing the Revised Code of Washington (RCW) 77.57 to implement updated rules surrounding fish passage improvement work.

Statutes for considerations:

Statute	RCW Title
<b>RCW 77.57.010</b>	Fish guards required on diversion devices—Penalties, remedies for failure.
<b>RCW 77.57.030</b>	Fishways required in dams, obstructions—Penalties, remedies for failure.
<b>RCW 77.57.040</b>	Director may modify inadequate fishways and fish guards.
<b>RCW 77.57.050</b>	If fishway is impractical, fish hatchery or cultural facility may be provided in lieu.
<b>RCW 77.57.060</b>	Director may modify inadequate fishways and protective devices.
<b>RCW 77.57.070</b>	Diversion of water—Screen, bypass required.





## Main Goals

The goal for rulemaking is to codify current standards used by WDFW for:

- Instream structures;
- Screening and diversions; and
- Climate adapted water crossing structures.

Additionally, rulemaking will also address compliance issues for instream structures and screening. New considerations will look at technical assistance programs and tools to support fish passage and screening barrier owners.



# Updated Timeline & Process

Fish Passage and Screening Rulemaking Timeline					
CR-101 filed	CR-101 Published	Publish CR-102	FWC Hearing	File CR-103	Rule Effective Date
6/17/2020	7/1/2020	5/4 – 6/15/2022	6/10 – 7/15/2022	First: 6/17/2022 Last: 12/12/2022	First: 7/18/2022 Last: 1/12/2023

Current focus:

Proposed rule language, State Environmental Policy Act (SEPA) development, Regulatory Fairness Act (RFA) development

After the CR-102 publishes:

Public comment period, hearing, adoption, Concise Explanatory Statement



# Policy Considerations

- Climate Adapted Water Crossings
  - Threshold for climate considerations
- Relationship to HPA Authority
  - When do 77.57 and HPA rules apply?
  - Proactive vs reactive
- Compliance
  - High risk/urgency vs low risk/urgency
- Prioritization



Questions?

