
Summary

Meeting dates: November 17, 2017 Conference Call

Agenda item: HPA Rulemaking - Chapter 220-660 WAC

Presenter(s): Randi Thurston, Protection Division, Habitat Program

Background summary:

A CR-101 was filed on October 4, 2017 to begin Hydraulic Code (HPA) rule-making. The rulemaking is required to extend an emergency rule that amends the Sultan River authorized work time in the Gold and Fish pamphlet. This amendment is needed because a modification made to the water division dam now allows chinook, coho and steelhead to access the habitat above the diversion. The amended work time will protect spawning and incubating salmon and steelhead.

Since the Administrative Procedures Act requires us to start rulemaking in order to extend an emergency rule beyond 120 days we decided to take the opportunity to propose some other minor rule revisions. However, due to ongoing legal challenges we decided to minimize the changes to those that are urgently needed. Our proposed changes include:

- Making the emergency rule (WSR 17-14-079) for the Sultan River a permanent rule by modifying WAC 220-660-300;
- Improving consistency with Title 77.55 RCW with respect to the curtailment of application fees (WAC 220-660-050);
- Amending the Similkameen River Authorized Work Times in WAC 220-660-300 based on the best available science;
- Updating the department's mailing address published in WACs 220-660-460 and -470; and
- Making other essential changes to sections 050 and 300 that clarify language or accommodate administrative changes.

We opened the following sections to accomplish these changes:

WAC Section	Title
220-660-050	Procedures - Hydraulic project approvals
220-660-300	Mineral prospecting
220-660-460	Informal appeals
220-660-470	Formal appeals

Policy issue(s) you are bringing to the Commission for consideration:

None at this time. This is a briefing only.

Public involvement process used and what you learned:

We notified other state agency, stakeholder and tribal representatives about the rulemaking prior to code reviser publishing of the CR-101 in the state register. We also provided a draft rule language to these folks with an explanation of why we are proposing each change. To date, no one has expressed concern about the proposed changes. However, we are meeting with key stakeholders and tribal representatives on November 14th so we'll have a better understanding of any concerns/issues after this meeting.

WSDOT has also requested to meet with us in late November or early December.

Action requested:

None at this time. This is a briefing only.

Draft motion language:

None at this time. This is a briefing only.

Justification for Commission action:

N/A

Communications Plan:

N/A