

# Proposed Amendments to the Hydraulic Code Rules (Chapter 220-660 WAC)

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# What are the Hydraulic Code Rules?

- Enacts – Chapter 77.55 RCW  
Construction projects in state waters
- Purpose – To protect fish life from construction or other work that affects the natural flow or bed of state waters



# Rulemaking Process

- Preproposal Statement of Inquiry
  - Filed Oct 4
  - Draft annotated rules
- Notice of Proposed Rule Making
  - Filed January 22
  - Comment Period Feb 7 - Mar 17
- Preliminary Regulatory Analysis
- Preliminary Supporting Science Documents
- State Environmental Policy Act
  - Comment Period Feb 7 - Mar 17

WASHINGTON DEPARTMENT OF FISH & WILDLIFE

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Hydraulic Project Approval (HPA)

State Hydraulic Code Rules Chapter 220-660 WAC

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State Environmental Protection Act (SEPA)

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Frequently Asked Questions

Hydraulic Code Implementation Citizen Advisory Group

For more information on the Hydraulic Permit Application (HPA) Program, please contact: WDFW Habitat Program (360) 902-2334

## Hydraulic Project Approval (HPA)

### Hydraulic Code Rule Making 220-660 WAC

On Jan. 22, 2018, The Washington Department of Fish and Wildlife (WDFW) filed HPA rule making proposals with the Code Reviser's Office for publication in the Washington State Register 18-04 on Feb. 7, 2018. The Washington Fish and Wildlife Commission will hold a public hearing on these proposed rules on March 16 or 17, during their meeting in Wenatchee.

All of the relevant documents are provided at right.

The public comment period on the proposed rule changes is open through 5:00 pm March 17, 2018. Written comments should be emailed to [HPARules@dfw.wa.gov](mailto:HPARules@dfw.wa.gov) or mailed to:

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Oral comments will be taken at the public hearing on March 16 or 17. Fish and Wildlife Commission meeting schedules and agendas are listed on the [Commission's web page](#).

#### Why is the department proposing changes to the Hydraulic Code Rules?

The current Hydraulic Code Rules have been in effect for more than two years, and in that time, many areas for improvement have been identified by staff, permittees, and others. WDFW wants to minimize the impact of rule making by making incremental rule updates.


WDFW has begun rule making on four sections of [Chapter 220-660](#). Hydraulic Project Approval (HPA) rule making objectives include:

- Adoption of an emergency rule ([WSR 17-22-013](#)) modifying authorized work times under WAC 220-660-300 for the Sultan River as a permanent rule;
- Consistency with [Title 77.55 RCW](#) with respect to the curtailment of application fees ([WAC 220-660-050](#));
- Ensuring authorized work times in [WAC 220-660-300](#) are based on the best available science;
- Updating the department's mailing address; and
- Clarifying language or accommodating administrative changes in sections 050 and 300.

#### What is the rule making process?

WDFW will implement provisions of the Administrative Procedures Act ([Chapter 34.05 RCW](#)) relating to the standard rule making process. Because Hydraulic Code Rules have been identified by the Washington Legislature as significant legislative rules, provisions of [RCW 34.05.328](#) will also apply.

On Oct. 4, 2017, WDFW submitted a [preproposal statement of inquiry](#) to the Washington Code Reviser that conveys the rule making objectives and identifies rule sections WDFW proposes to open to meet those objectives. This information was published in the Washington Register on Oct. 16,



#### Downloads

<a href="#">CR-101 Preproposal Statement of Inquiry</a>	October 4, 2017
<a href="#">CR-102 Notice of Proposed Rule Making</a>	January 2018
<a href="#">Proposed rule changes as filed</a>	January 2018
<a href="#">Annotated Proposed Rule Changes</a>	January 2018
<a href="#">SEPA Documents</a>	February 2018
<a href="#">Preliminary Regulatory Analyses Document</a>	January 2018
Includes:	<ul style="list-style-type: none"> <li>• Preliminary Cost-Benefit Analysis</li> <li>• Least Burdensome Alternative</li> <li>• Regulatory Fairness</li> <li>• other APA determinations.</li> </ul>
<a href="#">Preliminary Science Documents Supporting 2018 HPA Rule Changes</a>	January 2018
<a href="#">CR-103 Rule Making Order</a>	[TBA]
<a href="#">Adopted rule changes</a>	[TBA]
<a href="#">Implementation Plan</a>	[TBA]
<a href="#">Concise Explanatory Statement</a>	[TBA]

#### Public Comments

The public comment period is open through 5pm March 17, 2018. Comments can be sent to [HPARules@dfw.wa.gov](mailto:HPARules@dfw.wa.gov)

# Sultan River Authorized Work Time



Courtesy of the Snohomish County PUD



Ian Terry/The Herald

# Similkameen River Authorized Work Time



Courtesy of Pat Chapman

# Other Changes

- Remove fee language
- Update mailing address
- Allow digital versions of the pamphlets
- Allow easements in-lieu of landowner signature
- Allow transfer of a HPA
- Extend closures of incomplete applications from 6 to 12 months
- Clarify when the department can revoke a HPA
- Require written justification when the department declares an imminent danger, hardship or emergency



# Questions

