

Summary Sheet

Meeting dates: March 15 - 17, 2018

Agenda item: HPA Rulemaking (Chapter 220-660 WAC) Briefing and Public Hearing

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

Background summary:

This is a briefing and public hearing for the HPA rulemaking that began in October 2017. This rulemaking is required to make the emergency rule that amends the Sultan River authorized work time in the Gold and Fish pamphlet a permanent rule. A modification made to the water diversion dam on the Sultan River 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. In addition to amending the Sultan River authorized work times other proposed changes include:

- Improving consistency with Title 77.55 RCW by eliminating reference to HPA application fees (WAC 220-660-050);
- Amending the mineral prospecting Authorized Work Times for the Similkameen River 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

Note: The Commission can request that the department file a CR-101 for a new rulemaking at any time. However, two CR 102s cannot be open for the same rule chapter at the same time. Completing the current rulemaking as scheduled will allow the department to file a CR-102 for a new Chapter 220-660 WAC rulemaking by August 1, 2018, provided all statutory requirements are met.

Staff recommendation:

None at this time. This is a briefing and public hearing only. Staff will provide a brief presentation about the proposed rule amendments. The briefing will be followed by an opportunity for the public to comment.

Policy issue(s) and expected outcome:

None at this time.

Fiscal impacts of agency implementation:

None at this time.

Public involvement process used and what you learned:

We notified other agency, stakeholder and tribal representatives about the rulemaking prior to the Code Reviser publishing both the CR-101 and CR-102 in the state register. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 15 - 17, 2018 Commission Meeting in Wenatchee and the opportunity to submit written comments between January 22 – March 17, 2018.

Action requested and/or proposed next steps:

Hear public testimony about the proposed rule amendments. We plan to ask the Commission to adopt the proposed rules at the April 20, 2018 conference call.

Draft motion language:

None at this time.

Post decision communications plan:

Staff will prepare a concise explanatory statement and an implementation plan. These will be posted with the other required documents on the Hydraulic Code Rulemaking webpage. Staff will notify other agency, stakeholder and tribal representatives when all documents are posted on the webpage.