



State of Washington
Department of Fish and Wildlife

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Dear Interested Parties:

The Washington Department of Fish and Wildlife (WDFW) has prepared this Final Programmatic Environmental Impact Statement (Final PEIS) on proposed changes to the Hydraulic Code Rules in chapter 220-110 Washington Administrative Code (WAC). The Final PEIS meets the requirements of the State Environmental Policy Act (SEPA) in chapter 43.21C RCW, SEPA rules in chapter 197-11 WAC, and other relevant state laws and regulations.

WDFW protects fish life by using its authority to provide approvals for construction projects in or near waters of the state. WDFW issues Hydraulic Project Approvals (HPAs) for projects that use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. HPAs are issued based on the Hydraulic Code Rules. WDFW is revising the Hydraulic Code Rules to improve protections for fish and streamline the permit approval process.

The Hydraulic Code Rules, except those for mineral prospecting, were last updated in 1994 before Washington fish species were listed under the Endangered Species Act. There have also been changes to the hydraulic code statute (chapter 77.55 RCW), to other regulations, and to fish science and design technology during that time. The current Hydraulic Code Rules in chapter 220-110 WAC do not reflect those changes. WDFW is rewriting and replacing the entire chapter so that the content is easier for the applicant to understand, to reflect statutory changes in procedure, and to update rules based on contemporary science and design technology. The proposed new rule chapter is 220-660 WAC.

MAJOR CONCLUSIONS

This is a non-project review proposal. The purposes of the proposed rule changes are to update the rules to better align with statutory changes, meet current fish science and design technology, and improve procedural and administrative requirements. Specifically the rule changes will:

- Incorporate up-to-date fish science and technology;
- Simplify the permitting of certain types of projects;
- Improve procedural and administrative requirements to better align with statutory changes made since the rules were last revised; and
- Establish a structure for adaptive management that responds to changing science and technology and/or the results of effectiveness monitoring.

These actions will deliver cost and time savings for some applicants, improve the overall effectiveness of the program, eliminate inconsistencies between the statute and the rules, and enhance a transparent decision making process with our stakeholders.

AREAS OF CONTROVERSY

Areas of controversy include water crossing structures, timing windows, and changes that are necessary to implement legislation, including rules for single family bulkheads, tidegates and flood gates. Many people are concerned about the cumulative effects of HPAs issued by the agency. While the hydraulic code prevents considering issues beyond the proposed project, we can't deny that there are cumulative effects to the environment from hydraulic projects and development. WDFW's goal is to help applicants develop a project that best meets their needs while providing protection to fish life.

See Fact Sheet for details on document availability.

WDFW believes this Final PEIS will assist decision makers to identify the key environmental issues and options associated with this action. Many changes have been made to the proposed rules and EIS based on comments received from agencies and interested parties during public review of the draft documents, which occurred from July 16 through September 15, 2014. Comments received and agency responses can be found in Appendix A to the Final PEIS.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Wood". The signature is written in black ink and is contained within a thin black rectangular border.

Lisa Wood
SEPA/NEPA Coordinator
Agency Responsible Official
Protection Division
Habitat Program