



Washington
Department of
**FISH and
WILDLIFE**

Implementation Plan

Hydraulic Code Rules Chapter 220-660 WAC

2019 HPA Suction Dredge Rule Making

WAC 220-660-030 Definitions (Amended)

WAC 220-660-300 Mineral Prospecting (Amended)

WAC 220-660-305 Suction Dredging (New Section)

Washington Department of Fish and Wildlife
Habitat Program
Protection Division
Olympia, Washington

May 8, 2019

Mission
of the
Washington Department of Fish and Wildlife

*To preserve, protect and perpetuate fish, wildlife, and ecosystems
while providing sustainable fish and wildlife
recreational and commercial opportunities.*

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Purpose

The Washington Department of Fish and Wildlife (WDFW) proposed changes to Chapter 220-660 WAC – Hydraulic Code Rules. We are providing this implementation plan to meet department and Administrative Procedure Act requirements (RCW 34.05.328) related to rule adoption.

Introduction

On February 20, 2019 (WSR 19-05-094), WDFW proposed changes to Chapter 220-660 WAC – Hydraulic Code Rules. The purpose of this rule implementation plan is to inform the public how WDFW intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance of the rule.
- Evaluate the rule.
- Train and inform department staff and interested stakeholders about the amended rule.

Also included in this plan is information about:

- Supporting documentation that may need to be written or revised because of the amended rule.
- Other resources where more information about the rule is available.
- Contact information for a department employee who can answer questions about the rule implementation.

Implementation and Enforcement

WDFW will implement the amended Hydraulic Code Rules on the date they become effective. Regulatory Services Section staff will implement the procedural changes and biologists will include the technical provisions that reflect the amendments to the Hydraulic Code Rules in new permits they issue or revise.

Since Hydraulic Code laws and regulations are complicated, WDFW has a responsibility to help the regulated community understand how to comply. We use a range of tools as our roles move from educator to enforcer. WDFW will improve compliance with the Hydraulic Code through increased public education, technical assistance, and inspections. Improved compliance will increase protection of fish life. Biologists will work with miners to prevent non-compliance and if non-compliance is found, biologists will work with them to ensure damage to fish habitat is repaired or compensated for. Intentional or serious violation may be referred to Fish and Wildlife Officers for criminal prosecution.

Informing and Educating Persons Affected by the Rule

WDFW communicated with the public, other natural resource agencies and tribes during rulemaking. The codified rule incorporating all revisions will be posted on WDFW rules webpage when the revised rule is published by the Office of the Code Reviser. WDFW will inform affected persons about the hydraulic code rule changes by the following methods:

- Washington State Register
- News Release
- Agency Website
- Direct email to interested tribes, agencies and stakeholders.

WDFW will also update the “Rules for mineral prospecting and placer mining” webpage. The update will include:

- An overview of the rule changes
- Information about how to apply for a standard HPA
- How to get help submitting your application
- An annual report template and instructions
- An updated Gold and Fish Pamphlet

Promoting and Assisting Voluntary Compliance

WDFW will continue to work with key stakeholders to encourage voluntary compliance with the rule.

Evaluating the Rule

To help ensure that work permitted under the terms of HPAs will sufficiently preserve, protect, and perpetuate fish life, WDFW has implemented a focused implementation and effectiveness monitoring and evaluation program. WDFW is implementing this monitoring plan in phases, with the first phase monitored water crossing and bank protection structures. WDFW will add suction dredging as the second phase. The plan has three groups of metrics to evaluate effectiveness of the rule at 1) improving customer service; 2) protecting fish life, including habitat function; and 3) achieving compliance.

This monitoring is essential to adaptive management. Monitoring is the only way to assess our success at achieving objectives, and consequently is necessary to improve management through time. WDFW will use this monitoring data as well as the reporting data to inform an adaptive management process that WDFW will use to improve the effectiveness and efficiency of the HPA program.

Training and Informing WDFW Staff

WDFW will inform staff about the rule changes. Training will focus on changes to the permit process.

Implementation Actions:

- Identify and engage employees who interact with applicants as part of their daily work.
- Brief frontline employees about the rule amendments and available resources, and give them educational resources to share with applicants.

List of Supporting Documents that May Need to be Revised

Documents that may need to be revised or updated include:

- Gold and Fish Pamphlet: Rules for Mineral Prospecting and Placer Mining
- Simplified HPA Application Form
- HPA Manual
- Regulatory Service Section Desk Manuals

For Further Information:

For more information about the Hydraulic Code amendments see:

<https://wdfw.wa.gov/licensing/hpa/rulemaking/>

For more information about Hydraulic Project Approvals see:

<https://wdfw.wa.gov/licensing/hpa/>

For HPA application assistance see:

<https://wdfw.wa.gov/licenses/environmental/hpa/application>

To talk with a habitat biologist see:

<https://wdfw.maps.arcgis.com/apps/MapJournal/index.html?appid=48699252565749d1b7e16b3e34422271>

For more information about HPA rule implementation, contact:

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