

# Hydraulic Code Rule Update

Hydraulic Code Implementation CAG Sept. 1, 2022

Theresa Nation, HPA Rule Making Coordinator

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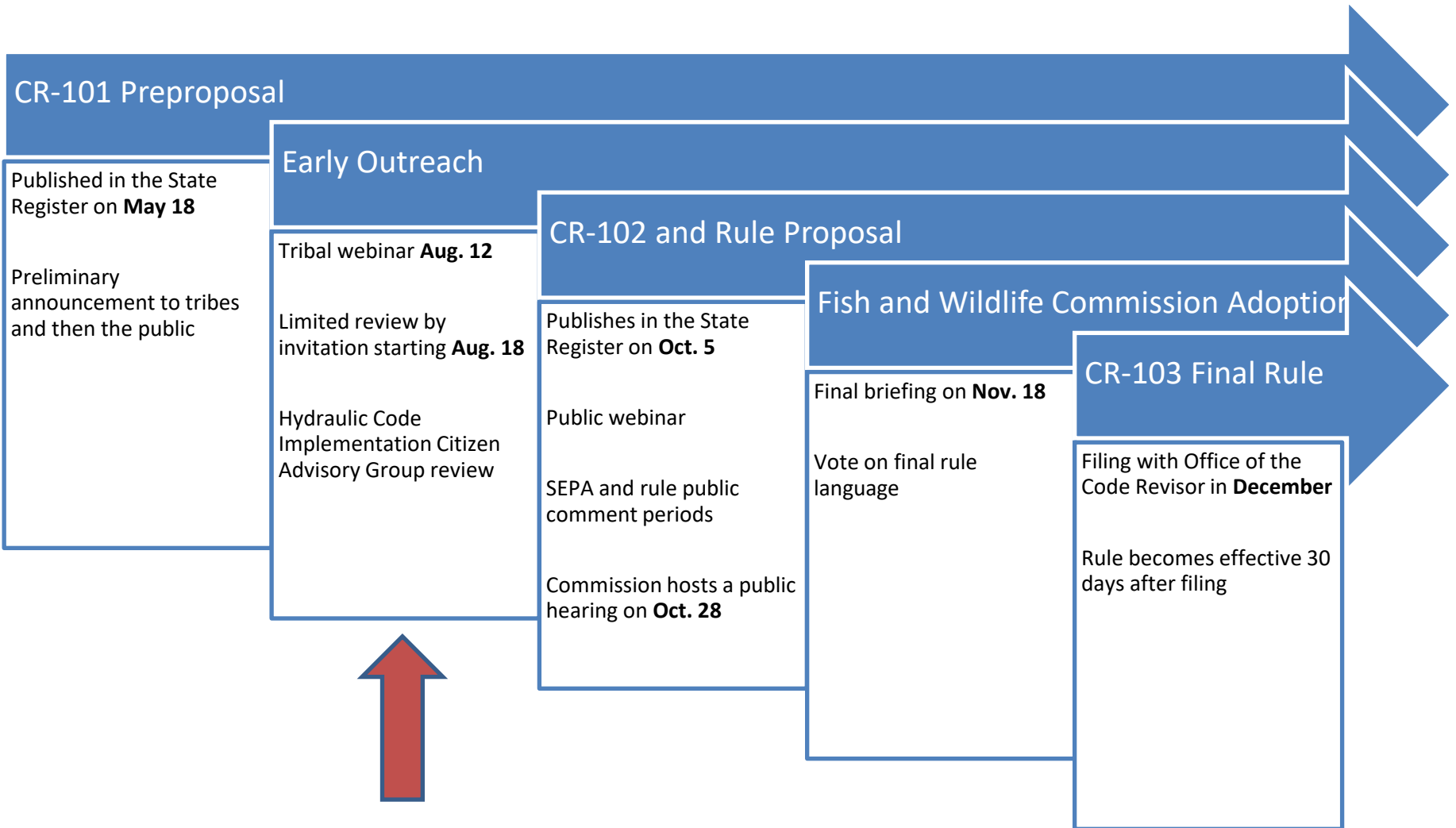
# Rule Making

The process of amending or creating rules in the Washington Administrative Code (WAC)

- The intent is to make sure that the rules (WACs) align with the new laws (RCWs)
- WDFW is undergoing rule making for Chapter 220-660 to incorporate SSB 5273
- The current proposed changes apply specifically to marine shoreline stabilization projects (WAC 220-660-370)



# Rule Making Steps



# SSB 5273

- Passed during the 2021 state legislature and went into effect July 25, 2021
- New statutory language is found in RCW 77.55.231(1)
- Language is similar to WAC 220-660-370
- Establishes new standards for the replacement of residential marine shoreline stabilization



# Rule Proposal

Existing: WAC 220-660-370	New: RCW 77.55. 231	Proposed change to rule: WAC 220-660-370
Standards for new and waterward replacement of marine shoreline armoring	Standards for replacement residential marine bank protection and armoring	Add replacement residential marine bank protection standards into the rule.
Must use least impacting technically feasible alternative	Must use least impacting technically feasible alternative	The existing language in rule is applied to the replacement of residential marine shoreline stabilization.
Includes most-to-least preferred alternatives list	Includes most-to-least preferred alternatives list	The alternatives list in SSB 5273 is slightly different and is added into the rule. The existing list also remains.



# Rule Proposal

Existing: WAC 220-660-370	New: RCW 77.55. 231	Proposed change to rule: WAC 220-660-370
Requires a site assessment, alternatives analysis and design rationale report prepared by a qualified professional	Requires a site assessment and alternatives analysis report when proposing hard armoring	The existing language in rule is applied to the replacement of residential marine shoreline stabilization.
Mandatory report components identified	No mandatory report components identified	Mandatory report components already in rule are applied to the replacement of residential marine bank protection.
WDFW may provide a report exemption based on scale and nature of the project	WDFW may provide a report exemption based on scale and nature of the project	Agency retains discretion to provide report exemptions. New language specifies the exemption of beach restoration and passive shoreline techniques from the report requirement.



# Rule Proposal

Existing: WAC 220-660-370	New: RCW 77.55. 231	Proposed change to rule: WAC 220-660-370
"Feasible" is not defined	"Feasible" means available and capable of being done after taking into consideration cost, existing technology, and logistics, in light of overall project purposes	The definition from SSB 5273 is applied to all of section 370.
Emergency and expedited permits are not addressed	Emergency and expedited permits are not addressed	New language on how emergency and expedited permit applications will be processed.



# How to Comment

**Due:** Oct. 31, 2022

**Online:** <https://publicinput.com/ShorelineStabilizationRule>

**Email:** [ShorelineStabilizationRule@PublicInput.com](mailto:ShorelineStabilizationRule@PublicInput.com)

**Mail:**

Washington Dept. of Fish and Wildlife

Attn: Theresa Nation

P.O. Box 43200

Olympia, WA 98504-3200

**Voice Message:** (855) 925-2801 Project code 2265

**Fax:** (360) 902-2946

Attn: Theresa Nation

**Verbal testimony:** a public hearing conducted by the state Fish and Wildlife Commission is scheduled for Oct. 28, 2022. For details, see <https://wdfw.wa.gov/about/commission/meetings>







# Questions?

Theresa Nation – HPA Rule Making Coordinator

Matt Curtis – Protection Division Manager



# For Reference: Preferred alternatives comparison

New armor & waterward replacement (already in WAC)	Replacement residential armor (in RCW)
(i) Remove the bank protection structure	(i) Remove the structure and restore the beach
(ii) Control upland drainage	(ii) Remove the structure and install native vegetation
(iii) Protect, enhance, and replace native vegetation	(iii) Remove the structure and control upland drainage
(iv) Relocate improvements or structures*	(iv) Remove the structure and replace it with a soft structure constructed of natural materials, including bioengineering
(v) Construct a soft structure	(v) Remove the hard structure and construct upland retaining walls
(vi) Construct upland retaining walls	(vi) Remove the hard structure and replace it with a hard structure located landward of the existing structure, preferably at or above the ordinary high water line
(viii) Construct hard structure at the ordinary high water line	(vii) Remove the hard structure and replace it with hard shoreline structure in the same footprint as the existing structure

