



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Subject of possible rule making: Hydraulic Code Rules (chapter 220-110 WAC), which regulate construction projects in state waters.

Statutes authorizing the agency to adopt rules on this subject: RCW 77.12.047, 34.05.328, and chapter 77.55 RCW.

Reasons why rules on this subject may be needed and what they might accomplish: The Washington Department of Fish and Wildlife has not substantially updated chapter 220-110 WAC since 1994. Our understanding of the impacts of hydraulic projects on fish life and habitat has advanced, yet the department has not modified the rules to properly protect fish life and habitat required by chapter 77.55 RCW. Likewise, current rules do not reflect technological advancements for constructing many hydraulic projects, and the rules are needlessly restrictive in some cases or overly permissive in other cases. In addition, certain administrative aspects of submitting and processing applications need to be improved to reflect improved methods.

New rules will result in clear application and permit-processing procedures for applicants and the department, and will enable the department through the best available science to prevent or mitigate the impacts to fish life and habitat posed by hydraulic projects.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Washington Department of Fish and Wildlife is the sole authority regulating hydraulic projects under Chapter 77.55 RCW. The U.S. Army Corps of Engineers, Washington Department of Ecology, Washington Department of Natural Resources, Washington State Parks, and local governments also regulate certain aspects of hydraulic projects under their own authorities. Each of these agencies will be invited to comment on draft rules during the rulemaking process. Their comments and concerns will be incorporated into the proposed rules as appropriate.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
July 28, 2011

NAME (TYPE OR PRINT)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

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