



State of Washington  
**Department of Fish and Wildlife**

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October 1, 2013

Dear Interested Parties:

The Washington Department of Fish and Wildlife (WDFW) has prepared this Draft Programmatic Environmental Impact Statement (PEIS) on proposed changes to the Hydraulic Code Rules -Chapter 220-110 Washington Administrative Code (WAC). The PEIS meets the requirements of the State Environmental Policy Act (SEPA) Chapter 43-21C RCW, SEPA rules (Chapter 197-11 WAC), and other relevant state laws and regulations. The proposed rule changes together with the DEIS are now available for a 45 day public review.

WDFW protects fish life by using its authority to provide approvals for construction projects that might affect the bed or flow of 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, with the exception of 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 (Chapter 77.55 RCW), to other regulations, and to fish science and design technology during that time. The current Hydraulic Code Rules do not reflect those changes in circumstances. WDFW is re-writing and replacing the entire chapter (220-110 WAC) 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.

### **MAJOR CONCLUSIONS**

This is a non-project review proposal. The purposes of the proposed rule changes are to update the requirements to respond to 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 in response 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 hydraulic project approvals issued by the agency. While the structure of the hydraulic code prevents consideration of issues beyond the project proposal under review, we can't deny that there are cumulative effects to the environment from hydraulic projects and development. WDFW's goal is to assist applicants to develop a project that best meets their needs while providing protection to fish life and fish habitat.

Public Meetings for discussion of the proposed rule changes and DEIS are being held as follows:

REGION	DATE	TIME	LOCATION
Mill Creek, Wa.	10/17/2013	6:00 PM - 8:00 PM	Mill Creek Regional Office 16018 Mill Creek Blvd Mill Creek WA 98012
Olympia, Wa.	10/23/2013	6:00 PM - 8:00 PM	Natural Resources Building Capitol Campus NRB Room 172
	10/24/2013	6:00 PM - 8:00 PM	Natural Resources Building Capitol Campus NRB Room 172
Spokane, Wa.	10/28/2013	6:00 PM - 8:00 PM	Center Place 2426 N Discovery Place Spokane Valley WA 99216
Ephrata, Wa.	10/29/2013	6:00 PM - 8:00 PM	Grant County Public Works 124 Enterprise St SE Ephrata, WA 98823
South Central Washington	10/30/2013	6:00 PM - 8:00 PM	Moxee City Hall 255 W Seattle Ave Moxee WA 98936
Vancouver, Wa.	11/4/2013	6:00 PM - 8:00 PM	Water Resources Center 4600 S.E. Columbia Way Vancouver WA 98661

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Agencies, affected tribes, and members of the public are invited to review and comment on this DEIS. We must receive your comments within 45 days of the date of issuing this DEIS. This means we must receive your comments no later than **5pm on November 15, 2013.**

*See Fact Sheet for details on availability and commenting.*

WDFW believes this DEIS will assist decision makers to identify the key environmental issues and options associated with this action. Based on comments received from agencies and interested parties during public review of this draft document and the associated proposed rule changes, WDFW will prepare and distribute a Final Programmatic Environmental Impact Statement (FEIS) in 2014.

Sincerely,

A handwritten signature in cursive script that reads "Bob Zeigler".

Bob Zeigler  
SEPA/NEPA Coordinator  
Agency Responsible Official  
Protection Division  
Habitat Program