

Fish Passage and Screening Rules: RCW 77.57

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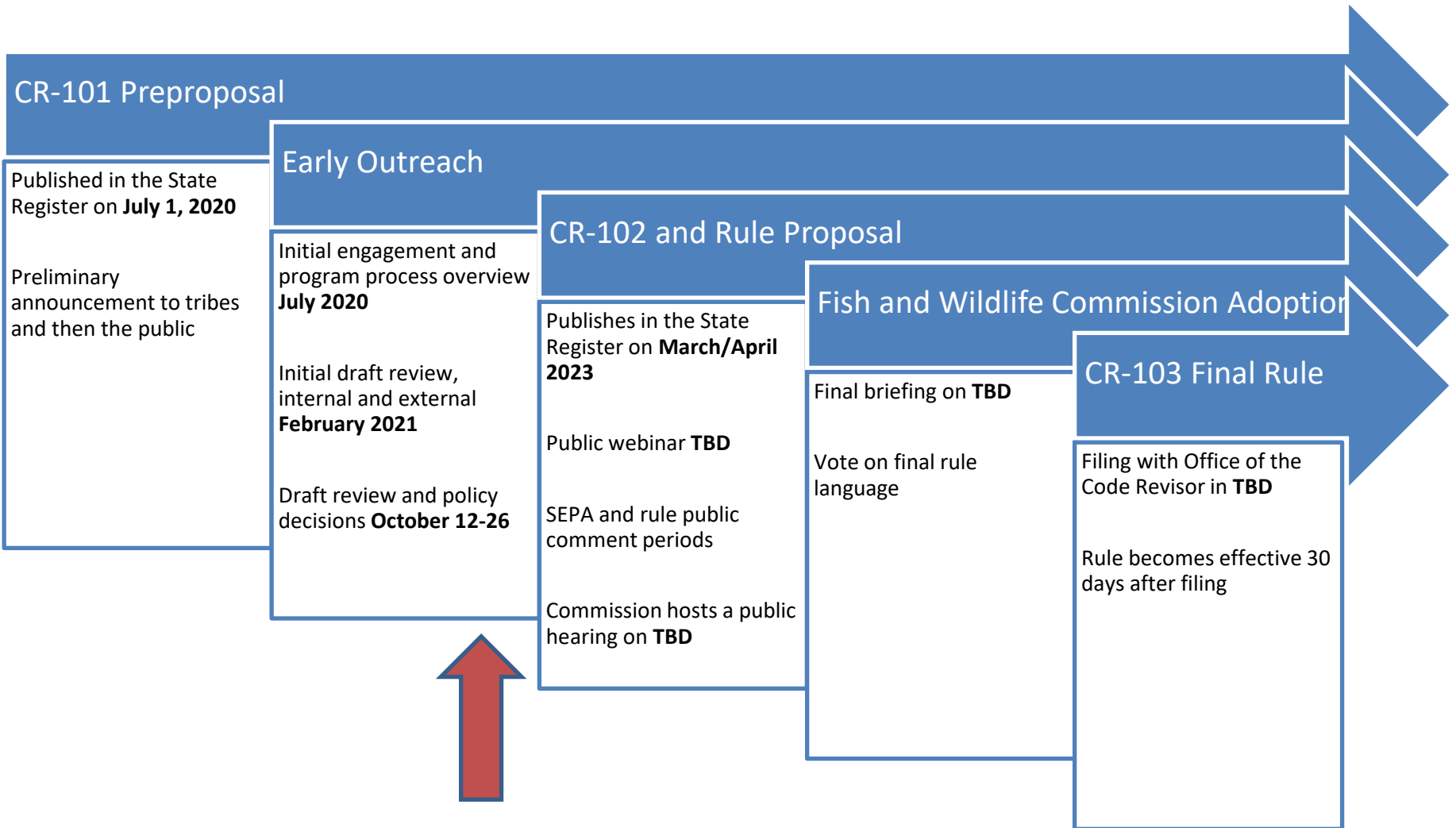


Introduction to Rule Making

- Orca Task Force: Recommendation #3
- Legislative Direction
 - ESHB 1109 (2019) – Operating budget
- Inclusion of Climate Adapted Water Crossings
 - Co-management agreement in 2019



Rule Making Steps





Regulatory Authority

Statutes for considerations:

Statute	RCW Title
RCW 77.57.010	Fish guards required on diversion devices—Penalties, remedies for failure.
RCW 77.57.030	Fishways required in dams, obstructions—Penalties, remedies for failure.
RCW 77.57.040	Director may modify inadequate fishways and fish guards.
RCW 77.57.050	If fishway is impractical, fish hatchery or cultural facility may be provided in lieu.
RCW 77.57.060	Director may modify inadequate fishways and protective devices.
RCW 77.57.070	Diversion of water—Screen, bypass required.





Regulatory Authority

Chapter 77.57 RCW authorizes WDFW's fishway and screening requirements.

RCW 77.57.010: "A diversion device used for conducting water from a lake, river, or stream for any purpose shall be equipped with a fish guard approved by the director to prevent the passage of fish into the diversion device."

RCW 77.57.040: "If the director determines that a fishway or fish guard... is inadequate, in addition to other authority granted in this chapter, the director may remove, relocate, reconstruct, or modify the device..."



Rule Proposal: Outline

1. Introduction & Instructions
2. Definitions
3. Applicability
4. Standards for Fishways and Water Diversions
 - A. Water crossings
 - i. Climate Adapted Water Crossings
 - B. Fish Passage Improvement structures
 - C. Water Diversions
5. Compliance
6. Appeals: Informal and Formal





Questions?



Department of Fish and Wildlife

How to Comment

Due: TBD

Online: <https://publicinput.com/X7702#0>

Email: FishPassage101@PublicInput.com

Mail:

Washington Dept. of Fish and Wildlife

Attn: Gabrielle Stilwater

P.O. Box 43200

Olympia, WA 98504-3200

Voice Message: 855-925-2801, project code 4535

Fax: (360) 902-2946

Attn: Gabrielle Stilwater

Project Website: For additional project information, please visit:

<https://wdfw.wa.gov/species-habitats/habitat-recovery/fish-passage/rule-making>

