

## Summary

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**Meeting dates:** December 5, 2014, Commission Conference Call

**Agenda item:** Re-adoption of Chapter 220-660 WAC Hydraulic Code Rules

**Presenter(s):** Jeff Davis, Assistant Director, Habitat Program  
Randi Thurston, Protection Division Manager, Habitat Program

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**Background summary:** Since the Fish and Wildlife Commission took action on November 7, 2014 to adopt Chapter 220-660 WAC Hydraulic Code Rules, department staff, in discussions with our AAGs, have determined that the rule adoption action would be improved by finishing a rule implementation plan prior to requesting the Commission take final action. Therefore, Department staff is asking the Commission to revisit the rule action for the hydraulic code rules. The rule implementation plan is now completed. The implementation plan has been provided to you and is available on the department's website at <http://wdfw.wa.gov/licensing/hpa/rulemaking/>.

The implementation plan describes how the department will do the following:

- Implement and enforce the rules
  - Inform and educate affected persons
  - Promote and assist voluntary compliance of the rules
  - Evaluate whether the rules achieve the purpose for which they were adopted
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**Policy issue(s) you are bringing to the Commission for consideration:**

None

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**Public involvement process used and what you learned:**

None

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**Action requested:**

Department staff is requesting the Commission rescind their prior vote on Chapter 220-660 WAC, hear the staff presentation relative to the completion of the implementation plan, then adopt Chapter 220-660.

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**Draft motion language:**

1. Motion to Rescind - I move to rescind the prior vote adopting Chapter 220-660 WAC and repealing Chapter 220-110 WAC.
  2. Motion to Adopt – I move to repeal Chapter 220-110 WAC and adopt Chapter 220-660 WAC with the Department proposed changes presented at the November 7, 2014 Commission meeting.
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**Justification for Commission action:**

The hydraulic code rules are subject to a detailed rulemaking procedure under RCW 34.05.328. Finalizing a rule implementation plan is an element required by RCW 34.05.328. Staff has reviewed RCW 34.05.328 and all of the "before approval" steps are now complete. A Commission vote for the motions above will have the Commission adopting the HPA rules, WAC 220-660 after all prerequisite rule making steps, including the implementation plan, are complete.

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**Communications Plan:** N/A

