



Washington  
Department of  
**FISH and  
WILDLIFE**

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**2018 Hydraulic Code Rule Amendment Proposals  
WAC Sections 220-660-050  
220-660-300  
220-660-460  
220-660-470**

**Implementation Plan**

Washington Department of Fish and Wildlife  
Habitat Program  
Protection Division  
Olympia, Washington

March 13, 2018

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***Mission***  
*of the*  
*Washington Department of Fish and Wildlife*

*To preserve, protect and perpetuate fish, wildlife, and ecosystems  
while providing sustainable fish and wildlife  
recreational and commercial opportunities.*

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## Table of Contents

Purpose .....	1
Introduction .....	1
Implementation and Enforcement .....	1
Informing and Educating Persons Affected by the Rule .....	2
Promoting and Assisting Voluntary Compliance .....	2
Evaluating the Rule .....	2
Training and Informing WDFW Staff.....	2
Implementation Actions: .....	3
List of Supporting Documents that may Need to be Revised.....	3
For Further Information:.....	3

## Purpose

The Washington Department of Fish and Wildlife (WDFW) proposed changes to Chapter 220-660 WAC – Hydraulic provides this implementation plan to meet department and Administrative Procedure Act requirements (RCW 34.05.328) related to rule adoption.

## Introduction

On January 22, 2018 (WSR 18-03-145), WDFW proposed changes to Chapter 220-660 WAC – Hydraulic Code Rules. The purpose of this rule implementation plan is to inform the public how WDFW intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance of the rule.
- Evaluate the rule.
- Train and inform department staff and interested stakeholders about the amended rule.

Also included in this plan is information about:

- Supporting documentation that may need to be written or revised because of the amended rule.
- Other resources where more information about the rule is available.
- Contact information for a department employee who can answer questions about the rule implementation.

## Implementation and Enforcement

WDFW will implement the amended Hydraulic Code Rules on the date they become effective. Regulatory Services Section staff will implement the procedural changes and biologists will include the technical provisions that reflect the amendments to the Hydraulic Code Rules in new permits they issue or revise.

Most environmental regulations are self-implementing. This means knowledge of and voluntary compliance with environmental regulations by the regulated community is required and expected.

Since Hydraulic Code laws and regulations are complicated, WDFW has a responsibility to help the regulated community understand how to comply. We use a range of tools as our roles move from educator to enforcer. We achieve voluntary compliance through education and technical assistance when we advise and consult on permits, conduct compliance checks, perform on-site technical visits, or provide guidance materials written in easily understood language.

When we cannot get voluntary compliance, Fish and wildlife Officers enforce the hydraulic code and may initiate criminal prosecution.

## **Informing and Educating Persons Affected by the Rule**

WDFW communicated with the public and tribes during rulemaking. The codified rule incorporating all revisions will be posted on WDFW rules webpage when the revised rule is completed by the Office of the Code Reviser. WDFW will inform affected persons about the hydraulic code rule changes by the following methods:

- Washington State Register
- News Release
- Agency Website
- Direct email to interested tribes and stakeholders

## **Promoting and Assisting Voluntary Compliance**

WDFW will continue to work with key stakeholders to encourage voluntary compliance with the rule.

## **Evaluating the Rule**

To help ensure that work permitted under the terms of HPA's sufficiently preserve, protect, and perpetuate fish life, WDFW has implemented a focused compliance and effectiveness monitoring and evaluation program. WDFW is implementing this monitoring plan in phases, with the first phase directed at effectiveness of water crossing and bank protection structures. The plan has three groups of metrics to evaluate effectiveness of the rule at 1) improving the customer's experience; 2) protecting fish life, including habitat function; and 3) achieving compliance.

This monitoring is essential to adaptive management. Monitoring is the only way to assess our success at achieving objectives, and consequently monitoring is necessary to improve management through time. WDFW will use monitoring data to inform an adaptive management process that WDFW will use to improve the effectiveness and efficiency of the program.

The adaptive management process provides a mechanism to involve an Advisory Group to improve transparency and collaboration, and to ultimately achieve the best results. WDFW may ask the Advisory Group to provide input on the adaptive management framework, final monitoring reports, and/or alternative strategies and proposals developed by department staff. In particular, WDFW will engage the Advisory Group when actions might:

- Have a significant impact on HPA applicants (e.g. in cost or construction time).
- Negatively affect the environment or create unintended consequences.
- Impose significant changes to standard/current practices.

## **Training and Informing WDFW Staff**

WDFW will inform staff about the rule changes. Training will focus on changes to the permit process.

### **Implementation Actions:**

- Identify and engage employees who interact with applicants as part of their daily work.
- Brief frontline employees about the rule amendments and available resources, and give them educational resources to share with applicants.

### **List of Supporting Documents that May Need to be Revised**

Documents that may need to be revised or updated include:

- Gold and Fish Pamphlet: Rules for Mineral Prospecting and Placer Mining
- Times When Spawning or Incubating Salmonids Are Least Likely to be Within Washington State Freshwaters
- HPA Manual
- Regulatory Service Section Desk Manuals

### **For Further Information:**

For more information about the Hydraulic Code amendments see:

<https://wdfw.wa.gov/licensing/hpa/rulemaking/>

For more information about Hydraulic Project Approvals see:

<https://wdfw.wa.gov/licensing/hpa/>

For more information about HPA rule implementation, contact:

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