



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 17, 2020

TIME: 11:43 AM

WSR 20-07-095

**Agency:** Washington Department of Fish and Wildlife

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR 20-06-053

- Preproposal Statement of Inquiry was filed as WSR 19-19-056 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) HPA Rule Making Implementing 2SHB 1579 amending sections WAC 220-660-050 (Procedures—Hydraulic project approvals), WAC 220-660-370 (Bank protection in saltwater areas), WAC 220-660-460 (Informal appeal of administrative actions), WAC 220-660-370 (Formal appeal of administrative actions), and WAC 220-660-480 (Compliance with HPA provisions) of Hydraulic Code Rules in chapter 220-660 WAC.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
April 10-11, 2020	8:00 am	Webinar and/or conference call	This meeting will take place by webinar and/or conference call. The public may participate in the meeting. Visit our website at: <a href="https://wdfw.wa.gov/about/commission/meetings">https://wdfw.wa.gov/about/commission/meetings</a> or contact the Commission office at (360) 902-2267 or <a href="mailto:commission@dfw.wa.gov">commission@dfw.wa.gov</a> for instructions on how to join the meeting.

**Date of intended adoption:** April 24, 2020 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Randi Thurston  
 Address: P.O. Box 43200, Olympia, WA 98504-3200  
 Email: [HPARules@dfw.wa.gov](mailto:HPARules@dfw.wa.gov)  
 Fax: (360) 902-2946  
 Other: Web site: <https://wdfw.wa.gov/licenses/environmental/hpa/rulemaking>  
 By (date) 5 pm April 10, 2020

**Assistance for persons with disabilities:**

Contact Delores Noyes  
 Phone: (360) 902-2349  
 Fax: (360) 902-2946 Attn: Randi Thurston  
 TTY: (360) 902-2207  
 Email: [adaprogram@dfw.wa.gov](mailto:adaprogram@dfw.wa.gov)  
 Other:  
 By (date) 5 pm April 10, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The department is filing a continuance as the location of the hearing, which is a meeting of the Fish and Wildlife Commission, has changed from an in-person meeting to a webinar in an effort to slow the spread of the COVID-19/coronavirus.

**Reasons supporting proposal:**

**Statutory authority for adoption:**

**Statute being implemented:**

**Is rule necessary because of a:**

Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting:		
Implementation:		
Enforcement:		

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Date:** March 17, 2020

**Name:** Michele K Culver

**Title:** Agency Rules Coordinator

**Signature:**

