



# RULE-MAKING ORDER

## PERMANENT RULE ONLY

**CR-103P (December 2017)**  
**(Implements RCW 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 13, 2021

TIME: 3:56 PM

WSR 22-01-131

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

**Effective date of rule:**

**Permanent Rules**

- ☒ 31 days after filing.  
☐ Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- ☐ Yes ☒ No If Yes, explain:

**Purpose:** A new rule in chapter 220-660 WAC is necessary to implement RCW 77.55.480. This statute was passed into law as Engrossed Second Substitute House Bill 1382 (Laws of 2021, c. 75) during the 2021 legislative session. The statute creates a habitat recovery pilot program. The program provides a streamlined permitting process so that qualified habitat recovery projects may advance to construction quickly and efficiently, thereby creating jobs and further bolstering the natural resources and natural resource economy. WDFW will evaluate qualified HPA project applications according to the process described in statute. Other aspects of chapter 220-660 WAC remain unchanged.

**Citation of rules affected by this order:**

New: 220-660-490 Habitat recovery projects  
Repealed:  
Amended:  
Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.12.047, 77.55.021, and 34.05.328

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 21-19-115 on 9/20/2021 (date).

Describe any changes other than editing from proposed to adopted version: No changes

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>1</u>	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted on the agency's own initiative:**


New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

<b>Date Adopted:</b> Dec. 3, 2021	<b>Signature:</b> 
<b>Name:</b> Larry Carpenter	
<b>Title:</b> Chair, Washington Fish and Wildlife Commission	

NEW SECTION

**WAC 220-660-490 Habitat recovery projects.** Projects must satisfy the requirements outlined in RCW 77.55.480, to be processed as a streamlined habitat recovery project. Requirements outlined in that statute are incorporated herein by reference as if fully set forth herein. Copies of this statute, available to the public on request, are also available online at <https://app.leg.wa.gov/RCW/default.aspx?cite=77.55.480>.