



EXPEDITED RULE MAKING

CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: June 17, 2025

TIME: 3:16 PM

WSR 25-13-099

Agency: Washington Department of Fish and Wildlife (WDFW) P2025-13

Title of rule and other identifying information: (describe subject) WAC 220-660-490 Habitat Recovery Projects

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to repeal WAC 220-660-490, which incorporates RCW 77.55.480 by reference into the Hydraulic Code rules. RCW 77.55.480 created the Habitat Recovery Pilot Program (HRPP). The purpose of the HRPP program was to streamline state and local permitting for qualifying habitat recovery projects. The HRPP program expired on June 30, 2025. With the expiration of the pilot program, permitting procedures have reverted to the pre-HRPP requirements. Habitat recovery projects must now have a standard Hydraulic Project Approval (HPA) permit from WDFW and all other relevant state and local permits, or else qualify for streamlined permitting as a Fish Habitat Enhancement Project. That streamlining program is described in RCW 77.55.181.

Reasons supporting proposal: The language in WAC 220-660-490 is no longer relevant because the statutory authority that it incorporates by reference has expired.,

Statutory authority for adoption: RCWs 77.04.012, 77.12.047, 77.55.021, and 34.05.328

Statute being implemented: RCWs 77.04.012, 77.12.047, 77.55.021, and 34.05.328

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Name of proponent: (person or organization) WDFW

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Theresa Nation	1111 Washington St. SE Olympia, WA 98501	360-902-2562
Implementation:	Theresa Nation	1111 Washington St. SE Olympia, WA 98501	360-902-2562
Enforcement:	Chief Steve Bear	1111 Washington St. SE Olympia, WA 98501	360-338-2895

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: If a permit streamlining program is permanently adopted by the state legislature in the future, WDFW will conduct new rule making that is specific to that legislation.

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

☐ Relates only to internal governmental operations that are not subject to violation by a person;

☐ Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

☐ Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

☒ Content is explicitly and specifically dictated by statute;

☐ Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or

☐ Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

☐ The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;

☐ The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;

☒ The rule is no longer necessary because of changed circumstances; or

☐ Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

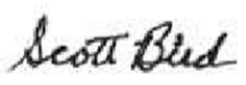
Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): Expedited rule making is appropriate for repealing WAC 220-660-490 because that rule incorporates by reference a statute for a pilot program that expired on June 30, 2025.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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BEGINNING (date/time) 6/18/2025 by 12pm **AND RECEIVED BY** (date/time) 8/19/2025 by 11:59pm

Date: 6/18/2025	Signature: 
Name: Scott Bird	
Title: Agency Rules Coordinator	