

Adoption/Addendum/DNS 18-007: HYDRAULIC PROJECT APPROVAL PROGRAM RULEMAKING

No public comments were received on the SEPA determination during the SEPA public comment period. The following is a summary of comments received on the proposed HPA rule changes during the concurrent APA comment period.

Comments Received and Responses to Comments

The public comment period for this rule change proposal was open from October 16th for comments on the preproposal notice, and from the February 7th publication of the rule change proposal in the Washington State Register. Comments were taken through 5:00 pm March 17th, 2018. Five comment letters or emails were received on the proposals and are summarized below. There were no oral comments provided during the public testimony opportunity on March 17, 2018.

WAC SECTION	ELEMENT	PROPOSAL	COMMENT	RESPONSE
050 (9)(c)(iii)(A)	Require site access permission forms for all sites	Allow copies of easements to fulfill this requirement.	Utility companies commented that easements might not accomplish site access objectives, and that utilities should not be required to renegotiate easements to accommodate WDFW access.	WDFW is adapting rule language to accommodate these concerns.
050 (12 11) (c)	WDFW must document emergency, expedited, imminent danger	Require WDFW staff to document the reason for an emergency determination prior to issuing the permit.	Commenters expressed concern that this requirement would delay issuance of an emergency HPA.	WDFW is adapting the language to clarify that documentation should be filed after issuing the emergency permit.
050 (16 15) (a)(c)(e) and (f) & 050(17)	Allowing HPA transfers	Reinstate the ability for HPAs to be transferred to another party.	Commenters supported having this ability restored.	No change needed.
'300(7) Sultan River, Snohomish County	Sultan River authorized work times	Authorized work times are altered upstream from the diversion dam to reflect new fish passage conditions	Staff noticed a discrepancy between the published rule change and the intended rule change.	WDFW has updated the rule change proposal to align with the supporting science and staff recommendation. Change does not affect cost-benefit analysis.
Other	(not associated with specific rule change proposals)	Accessibility to WDFW rule proposal materials	Commenters appreciate availability on the WDFW website of the annotated version of the proposed rule language.	This has been requested in the past and we're glad this transparency has helped reviewers.