



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

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Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

**ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS, ADDENDUM, AND  
DETERMINATION OF NONSIGNIFICANCE (DNS)**

**Name of Proposal:** Adoption/Addendum/DNS 18-007: HYDRAULIC PROJECT  
APPROVAL PROGRAM RULEMAKING

The Washington Department of Fish and Wildlife (WDFW) is adopting two existing environmental documents (FPEIS 14-049 and DNS 08-046), providing minor additional information as an addendum, and making a new threshold determination (DNS) under the State Environmental Policy Act (SEPA).

**Description of Proposal:**

Washington Department of Fish and Wildlife seeks to improve the Hydraulic Project Approval (HPA) program in order to routinely deliver regulatory certainty and consistency, improve internal and external efficiencies, ensure transparent decision-making, and improve program effectiveness. These actions will deliver some cost savings for applicants, improve the overall effectiveness of the program, eliminate inconsistencies between the statute and the rules, and enhance a transparent decision making process with our stakeholders and coordinating government entities.

Proposed changes in authorized work times would extend by one month the period during which prospecting impacts occur in the Similkameen River between Enloe Dam and the mouth of Palmer Creek, and reduce by more than six months the period during which prospecting impacts occur in the Sultan River between the Diversion Dam and Culmback Dam. Sultan River rule changes will provide an overall decrease in prospecting impacts from the baseline, and the rule change for the Similkameen River slightly increases overall impacts, but does not change fish impacts, compared to the baseline. Otherwise, the 2018 proposals do not change baseline rules that affect these environmental elements. Details about effects to environmental elements are described in the Environmental Checklist.

**Description of FPEIS 14-049: Hydraulic Code Rule Changes - Final Programmatic  
Environmental Impact Statement:**

WDFW prepared an FPEIS for rule changes to the Hydraulic Code to update the rules to better align with statutory changes, meet current fish science and design technology, and improve procedural and administrative requirements. The rules were adopted in 2014. Specifically the rule changes:

- Incorporated up-to-date fish science and technology;
- Simplified the permitting of certain types of projects;
- Improved procedural and administrative requirements to better align with statutory changes made since the rules were last revised; and
- Established a structure for adaptive management that responds to changing science and technology and/or the results of effectiveness monitoring.

**Description of DNS 08-046: Mineral Prospecting Rules – Determination of Non-Significance:**

In 2009, WDFW adopted rules that apply to mineral prospecting activities that use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. The prior rules, contained in WAC 220-110-200 through 220-110-209, were adopted in 1998 and implemented in 1999. In 2006, the Washington Fish and Wildlife Commission directed WDFW to revise these rules. The adopted rules reflected the latest available information on the impacts of mineral prospecting activities and methods to mitigate those impacts. Following rule adoption, a new Gold and Fish Pamphlet describing the rules and containing other information related to mineral prospecting was published. The Gold and Fish Pamphlet serves as the HPA for those activities described in it. The rules and the Gold and Fish Pamphlet apply to all waters of Washington.

**Description of Addendum 18-007: Hydraulic Project Approval Program Rulemaking:**

WDFW plans to amend certain sections in Chapter 220-660 WAC Hydraulic Code Rules. These rules regulate aspects of construction projects in state waters for the protection of fish life. Most of the changes are procedural actions that fall under the categorical exemption in WAC 197-11-800(19)(a) and (b). Other actions are changes to authorized work times in WAC 220-660-300(7), for the Sultan and Similkameen Rivers. The preliminary regulatory analyses conclude that changes to authorized work timing in these locations will result in a net decrease in impacts to environmental elements described in the Environmental Checklist. The addendum is for the proposed rulemaking (WSR 18-03-145) and adds to FPEIS 14-049 and DNS 08-046. The addendum provides additional information on the impacts from the rule change to the authorized work times for the Sultan and Similkameen Rivers but does not substantially change the analysis of significant impacts and alternatives in the existing environmental documents.

**Proponent/Applicant:** Washington Department of Fish and Wildlife (WDFW)  
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**Location of Proposal or Action:** The HPA program and Hydraulic Code rules apply statewide. The proposed rulemaking activity includes changes in authorized work times for the Similkameen River between Enloe Dam and Palmer Creek, in Okanogan County, and in the Sultan River from the Diversion Dam to Culmback Dam, in Snohomish County.

**Title and Dates of Documents Being Adopted:**

FPEIS 14-049: Hydraulic Code Rule Changes - Final Programmatic Environmental Impact Statement (October 27, 2014).

DNS 08-046: Mineral Prospecting Rules – Determination of Non-Significance (June 27, 2008).

**Agency that Prepared Documents Being Adopted:** Washington Department of Fish and Wildlife (WDFW)

**Description of Documents (or Portion) Being Adopted:** The entire contents of FPEIS 14-049 and DNS 08-046.

**If the Documents Being Adopted have been Challenged, Please Describe:** N/A

**Lead Agency and Name of Agency Adopting the Document:** Washington Department of Fish and Wildlife (WDFW)

**The Documents are Available to be Read at:**

Washington Department of Fish and Wildlife - Natural Resources Building,  
1111 Washington Street SE, Olympia, WA, Monday - Friday 8:00 am - 5:00 pm.

These documents are also available for review online at:

[http://wdfw.wa.gov/licensing/sepa/sepa\\_comment\\_docs.html](http://wdfw.wa.gov/licensing/sepa/sepa_comment_docs.html)

**Adoption of Existing Environmental Documents:** After independent review, we have identified and adopted the referenced documents as being appropriate for this proposal. The documents meet our environmental review needs for the current proposal and will accompany the proposal to the decision maker.

WDFW has determined that this proposal will does not have a probable significant adverse impact on the environment. Therefore, RCW 43.21C.030(2)(c) does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us. This information is available to the public upon request.

We issued this Adoption, Addendum, and Determination of Nonsignificance under RCW 43.21C.034, WAC 197-11-340(2), WAC 197-11-600, WAC 197-11-625, and WAC 197-11-630. We will **not act on this proposal for 38 days** from the date of issue below. Agencies, affected tribes, and members of the public are invited to comment on this proposal or DNS. We must receive your comments within 38 days of the date of this letter. The comment period will end at **5:00 pm on March 17, 2018.**

**Method of Comment:** The following procedures shall govern the method to comment on agency SEPA proposals. Comments received through these procedures are part of the official SEPA record for this proposal.

You can submit your comments any one of the following ways:

- Email to [SEPAdesk2@dfw.wa.gov](mailto:SEPAdesk2@dfw.wa.gov)
- Online at the WDFW SEPA website comment link at: <http://wdfw.wa.gov/licensing/sepa/>
- Fax to (360) 902-2946;
- Mail to the address below.

**Responsible Official:** Lisa Wood

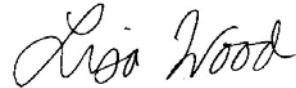
**Position/Title:** SEPA/NEPA Coordinator, WDFW Habitat Program, Protection Division

**Address:** P.O. Box 43200, Olympia, WA 98504-3200

After the comment period closes, applicants may view the updated status of this proposal on the WDFW SEPA website: <http://wdfw.wa.gov/licensing/sepa/>. Once the status is posted as final, applicants and permittees may take action on the proposal. When a proposal is modified or withdrawn, notice will be given in accordance with state law.

If you have questions about this determination or the details of the proposal, contact Lisa Wood at the address, e-mail, or fax number above; you can also call her at (360) 902-2260.

**DATE OF ISSUE:** February 7, 2018 **SIGNATURE:**

A handwritten signature in cursive script that reads "Lisa Wood". The signature is written in black ink and is positioned to the right of the "SIGNATURE:" label.

SEPA Log Number: 18-007.adpt/add/dns