

**WSR 21-19-115  
EXPEDITED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed September 20, 2021, 2:35 p.m.]

Title of Rule and Other Identifying Information: Hydraulic project approval (HPA) rule making implementing RCW 77.55.480 regarding streamlining of environmental permitting for habitat recovery projects. This rule creates a new section in chapter 220-660 WAC, Hydraulic code rules.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule amendments are proposed as necessary to implement RCW 77.55.480. This statute was passed into law as E2SHB 1382 (chapter 75, Laws of 2021) 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. The Washington department of fish and wildlife (WDFW) will evaluate qualified HPA project applications according to the process described in statute. Other aspects of chapter 220-660 WAC remain unchanged.

Reasons Supporting Proposal: This rule proposal adopts the habitat recovery pilot program by reference to statute. The expedited proposal ensures that the pilot program is implemented quickly, allowing it to be fully functional for the longest duration possible before its designated sunset date.

Statutory Authority for Adoption: RCW 77.04.012, 77.12.047, 77.55.021, and 34.05.328.

Statute Being Implemented: RCW 77.55.480.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Theresa Nation, 1111 Washington Street S.E., Olympia, WA 98501, 360-688-4745; Implementation: Josh Peters, 1111 Washington Street S.E., Olympia, WA 98501, 360-280-3624; and Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Randi Thurston, the agency personnel responsible for civil compliance of chapter 220-660 WAC, may be reached at 360-870-4450.

This notice meets the following criteria to use the expedited adoption process for these rules:

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.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Expedited rule making is appropriate because the proposed rule adopts E2SHB 1382 without change. Because

this pilot program contains an end date, expedited rule making is preferred to ensure timely implementation of the program.

## 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 Annie Szvetecz, Agency Rules Coordinator, WDFW, P.O. Box 43200, Olympia, WA 98501-3200, phone 360-480-6536, fax 360-902-2155, email [rules.coordinator@dfw.wa.gov](mailto:rules.coordinator@dfw.wa.gov), AND RECEIVED BY November 22, 2021.

September 20, 2021  
Annie Szvetecz  
Rules Coordinator

**OTS-3323.1**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>.

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