



## Fish and Wildlife Commission Habitat Committee Briefing

December 12, 2019

- 1) HPA Civil Authority Rulemaking
  - a) Overview of 2SHB 1579
  - b) Timeline
    - i) CR-101 filed
    - ii) CR-102 published in the state register on December 18<sup>th</sup>
    - iii) Public comment period from December 18<sup>th</sup> – January 18<sup>th</sup>
    - iv) Briefing and public hearing planned for January FWC meeting (17<sup>th</sup> or 18<sup>th</sup>)
    - v) Anticipated adoption January 31, 2019
  - c) Major Changes
    - i) Procedures (050)
      - (1) Added “Requesting a preapplication determination”
      - (2) Added “Notice of intent to disapprove HPA applications”
    - ii) Bank Protection in saltwater areas (370)
      - (1) Must use the “least impacting technically feasible bank protection alternative”
    - iii) Informal and Formal Appeals (460 and 470)
      - (1) Added language to allow appeal of the “new civil enforcement tools”
    - iv) Compliance with HPA Provisions (480)
      - (1) Added “Correction Notice”
      - (2) Added “Stop Work Order”
        - (a) Specified who can authorize
      - (3) Added “Notice to Comply”
      - (4) Added “Notice of Civil Penalties”
        - (a) Specified who can authorize
      - (5) Added “Civil Penalty Schedule”
        - (a) Previous violation history
        - (b) Severity, timing and reparability
        - (c) Intent
        - (d) Cooperation
- 2) Priority Habitats and Species- Riparian Volume 2
  - a) Update on completion, as well as tribal, stakeholder, and other feedback
  - b) Feedback on points of interest to the Committee
- 3) Fish Passage and Screening Rulemaking
  - a) Basic objective and feedback on points of interest to the Committee