



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of Proposal: DNS 21-051: HYDRAULIC CODE RULE MAKING TO IMPLEMENT RCW 77.55.480 - HABITAT RECOVERY PILOT PROGRAM

Description of Proposal:

WDFW is conducting expedited rule making to revise the Hydraulic Code Rules in Chapter 220-660 WAC to implement RCW 77.55.480. This law became effective July 25, 2021.

The new law creates the Habitat Recovery Pilot Program. The purpose of the pilot program is to create opportunities for streamlined permitting of habitat restoration projects. Specifically, it applies to projects that will directly benefit freshwater, estuarine (where freshwater flows into saltwater), or marine fish, or their habitat. The program streamlines state and local permitting in order to advance the projects to construction as quickly and efficiently as possible. Projects reviewed through the pilot program are exempt from further SEPA review. Local governments will still maintain their ability to implement floodplain planning under the pilot program. The pilot program is separate from the Fish Habitat Enhancement Project (FHEP) process that is described in [RCW 77.55.181](#).

The pilot program is currently set to expire on June 30, 2025. WDFW is conducting expedited rule making in order to implement the program as quickly as possible. The proposed rule adopts the language of RCW 77.55.480 by reference into Chapter 220-660 WAC Hydraulic Code Rules. The pilot program may be extended or made permanent through future legislative action.

Rule making progress and documents can be viewed at the WDFW rule making website: <https://wdfw.wa.gov/about/regulations/development/habitat-recovery-pilot-program>

Proponent/Applicant: Washington State Department of Fish and Wildlife (WDFW)
Contact: Theresa Nation
PO Box 43200
Olympia, WA 98504-3200
(360) 688-4745
HPARules@dfw.wa.gov

Location of Proposal, including street, if any: The Hydraulic Code Rules apply statewide.

Lead Agency: Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal will likely not have a significant adverse impact on the environment. Therefore, state law¹ 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.

We issued this DNS according to state rules.² **We will not act on this proposal for 14 days** from the date we issued the DNS. Agencies, affected tribes, and members of the public are invited to comment on this proposal or DNS. We must receive your comments within 14 days of the date of this letter. The comment period will end at **5:00 pm on October 20, 2021**.

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
- Online at the WDFW SEPA website comment link at:
<http://wdfw.wa.gov/licenses/environmental/sepa/open-comments>
- 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: <https://wdfw.wa.gov/licenses/environmental/sepa/closed-final>. 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.¹

If you have questions about this DNS or the details of the proposal, contact Lisa Wood at the address above or email SEPADesk2@dfw.wa.gov.

DATE OF ISSUE: October 6, 2021

SIGNATURE:



Footnotes

1. RCW 43.21C.030(2)(c)
2. WAC 197-11-340(2).

SEPA Log Number: 21-051.dns

Individuals who need to receive this information in an alternative format or language, or who need reasonable accommodations to participate in WDFW-sponsored public meetings or other activities may contact the Title VI/ADA Compliance Coordinator by phone at 360-902-2349, TTY (711), or email (Title6@dfw.wa.gov).