



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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

DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of Proposal: DNS 23-028: FISH PASSAGE AND SCREENING RULE MAKING

Description of Proposal:

This proposal is for rule making involving the creation of a new WAC chapter for WDFW. The new WAC chapter is WAC 220-670. These rules were developed to incorporate the statutory requirements enacted in 2019 under Engrossed Substitute House Bill 1109. These statutory requirements became effective May 21, 2019. In addition to creating a new WAC chapter for RCW 77.57, the department committed to incorporating climate change science into policy through a co-management agreement with the Washington State Treaty Tribes.

The proposed rules will allow WDFW to bring noncompliant water diversions and fishways into compliance for passability and fish life safety. Currently, only new projects under a Hydraulic Project Approval (HPA) permit are subject to WAC 220-660 standards. However, the proposed rules will give WDFW a path forward to correct fish passage and water diversion barriers regardless if it is a long-standing barrier or a new project. Barriers that are initially considered fish passable can change over time as stream conditions change. A culvert is typically designed to last between 50-100 years. Incorporating the consideration climate change in water crossing design will ensure that structures will be able to accommodate changing bankfull widths and future peak flows, preventing the failure of a structure or need for total replacement prematurely. The proposed rules will help maintain parity with the Hydraulic Code and further define best management practices used by the agency for fish passage and protection, even in the face of climate change impacts.

As humans have developed the landscape in Washington, there have been growing networks of infrastructure for transportation and economic needs that extends over and around lakes, streams, and rivers. Current estimates of fish passage barriers is between 18,000 to 20,000 in Washington. These barriers include road culverts, dams, dikes, and other obstructions. Understanding how infrastructure impacts fish life has been developed and continually changed over the past 100 years. There is an estimated 40,000 surface water diversions throughout the state. There's clear evidence that inadequately screened water diversions and insufficient fishways can strand or even kill fish. The proposed rules will maintain consistence expectations about a structure's passability and safety requirements for fish life.

Proponent/Applicant: Washington State Department of Fish and Wildlife (WDFW)
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Location of Proposal, including street, if any: This is a statewide rule that will impact all rivers, streams, and lakes that have fishways or water diversions present, now, and in the future.

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 72 days** from the date we issued the DNS. Agencies, tribes, and members of the public are invited to comment on this proposal or DNS. We must receive your comments within 72 days of the date of this letter. The comment period will end at **11:59 pm on September 29, 2023**.

Method of Comment:

SEPA documents related to this proposal can be reviewed at the WDFW SEPA website at: <http://wdfw.wa.gov/licenses/environmental/sepa/open-comments>.

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 through one of the following ways:

- Online at the Public Input comment portal for this proposal: <https://publicinput.com/FishPassageScreeningRules>
- Email to: FishPassageScreeningRules@PublicInput.com

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, or have difficulty with the Public Input comment portal, contact Lisa Wood at: SEPADesk2@dfw.wa.gov.

DATE OF ISSUE: July 19, 2023

SIGNATURE:



Footnotes

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

SEPA Log Number: 23-028.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).