

HPA Modification Guidance

September 26, 2017

E2SSB 6406 altered how WDFW may process requests for modifications to existing HPAs. All HPAs since November 8, 2012 include guidance to permittees in the “Apply to All Hydraulic Project Approvals” section about how to apply for modifications. Here’s how to process those requests.

Minor Modifications

- Two types of minor modifications
 - **Minor modification to the required work timing**: An extension within the current work season when there are no spawning or incubating fish present within the vicinity of the project. The extension can extend beyond the work season end date as long as fish life can be protected.
 - **Minor modification to the plans and specifications approved in the HPA**: Any changes in the materials, characteristics or construction of the project that does not alter the project's impact to fish life or habitat and does not require a change in the provisions of the HPA to mitigate the impacts of the modification
- Cannot be approved through a change to the HPA
- Applicant/agent must make request for minor modification in writing to Olympia or through APPS (if HPA is issued in APPS)
- Minor modification must be approved if fish life can be protected
 - **Approval must be documented in writing** to applicant/agent
 - Minor modifications are approved via letter, in a fashion similar to issuing a permit. Follow these steps:

Steps in APPS to Complete Minor Modifications:

- 1) In Work Activities, edit “Finalize and Issue HPA”
- 2) Update status to Approved (do not use Generate Letter to create this letter)
- 3) Provide a name for the letter
- 4) Select “Minor Modification – Approval” from the boiler plate template list
- 5) Edit text as needed, and Approve the letter
 - a. System automatically sends the approval letter – no need to send

- For permits issued in HPMS, please confirm the approval in an email and cc HPAapplications
- Minor modification should be denied if fish life cannot be protected under the current provisions of the HPA
 - **Denial must be documented in writing** to applicant/agent
 - Note that a denied minor modification may be resubmitted as a major modification, if applicable. If the modification is an acceptable major modification request, send the application back for amendment rather than deny it. The applicant should then amend their modification request to be major rather than minor and resubmit.

Steps in APPS to Deny a Minor Modifications:

- 1) In Work Activities, edit “Finalize and Issue HPA”
- 2) Update status to Denied
- 3) Click “Generate Letter” and use the “Denial – General” boiler plate template list
- 4) Edit the text, and Approve the letter when appropriate
- 5) In the Summary bar, click “**Notification**” to select and send the Denial letter

- Email the denial letter to HPAapplications for modification requests of permits within HPMS

Major Modifications

- Any modification that does not meet the definition of a minor modification
 - Time extensions longer than the current work season
 - Significant changes to plans and specifications
 - Transfer of an existing HPA to an authorized agent
- Must be documented by issuing a revised HPA
- Applicant/agent must make request for major modification in writing to Olympia or through APPS (if issued in APPS)
- Major modification must be approved if fish life can be protected by revision to the HPA, including acceptance of updated plans
 - Issue new HPA, if approved
- Major modification should be denied if fish life cannot be protected
 - Deny request in writing by issuing a denial letter

Note: We have no authority to modify a permit without consulting the applicant, even for minor errors. You may issue a modified HPA on WDFW initiative because of changed conditions, but the changed conditions should be clearly noted in the new HPA. ALL WDFW Initiated Modifications must be completed by the biologist in APPS.