




December 9, 2021

TO: WSDOT Project Development Engineers

FROM: Steve Roark, Director, Development Division 

SUBJECT: Project Delivery Memo #21-04 – Fish Passage Project Efficiencies

The purpose of this memo is to provide guidance for the pre-design phase of fish passage projects and direction to use a new environmental permitting process for HPAs, and Section 404 and 401 permit decisions for fish passage projects.

### **Background**

The [Pre-Design Guidance for Fish Passage Projects](#) provides guidance for the pre-design (prior to beginning of Preliminary Engineering) effort recommended for fish passage projects. This guidance is intended for any team or office responsible for delivering a fish passage project in the pre-design phase or to use as a resource for team alignment, pre-design planning, and general best practices for fish passage delivery. It includes processes, roles and responsibilities of various subject matter experts, and common deliverables for the many topics that fish passage projects need to consider early on in project scoping to provide more schedule reliability and reduce re-design in the preliminary engineering phase.

[Substitute Senate Bill 5381](#), intended to streamline review and approval of fish passage project permits, became effective July 25, 2021. This bill amended RCWs [77.55.181](#), [90.58.147](#) and [47.85.020](#) to further streamline the permit review and approval process for our most commonly required permits for fish passage projects.

### **Changes to RCW 77.55.181:**

- Eliminates the requirement to use Joint Aquatic Resource Permit Application (JARPA) form for Fish Habitat Enhancement Project (FHEP) Hydraulic Project Approvals (HPAs). Using WDFW's Aquatic Protection Permitting System (APPS) instead of the JARPA form streamlines the amount of information that WDFW needs to issue FHEP HPAs.
- Allows permitting of fish passage barrier corrections that are part of a larger WSDOT transportation project.

### **Changes to RCW 47.85.020:**

- Directs WSDOT to implement a multiagency effort to streamline the acquisition of commonly needed environmental permits and approvals for WSDOT fish passage projects. Expected results include developing programmatic permit options that simplify the application process, and reduce paperwork, time and costs associated with acquiring permits and approvals.

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In response to changes to RCW 47.85.020, the WSDOT Permitting Liaison Program, in cooperation with the U.S. Army Corps of Engineers (USACE) and the Department of Ecology, created a simplified fish passage Pre-Construction Notification (PCN) form to be used instead of the JARPA form. The new fish passage PCN form streamlines the amount of information needed for the USACE and Ecology to issue Clean Water Act Section 404 and 401 permit decisions.

**Direction**

Pre-Design Guidance should be used on all fish passage projects. Project that have not submitted permit application are expected to use the streamlined environmental review process.

**When applying for an FHEP HPA:**

Use WDFW's APPS to electronically submit FHEP HPA applications to WDFW and only use the electronic application form to apply for fish passage projects. Do not use the JARPA to apply for fish passage project FHEP HPA permits.

**When applying for a Section 404 and 401 permit:**

Use the new [fish passage PCN form](#) for fish passage projects. Do not use the JARPA form to apply for Section 404 and 401 permits.

**Quality Assurance/Quality Control:**

Perform sufficient internal review, quality assurance and quality control to ensure that permit applications are accurate and complete before submitting them to regulatory agencies. For more information on application submittal, review the information available on the [WSDOT web under Environmental Permits and Approvals](#).

**Questions**

If you need assistance using the pre-design guidance, please contact Kim Mueller, ESO Fish Passage Delivery Manager. For assistance with the permitting streamlining policy direction, contact Terry Drochak, ESO Compliance Solutions Branch Manager.

SR:km

cc: Megan White, ESO Director  
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