

# Summary Sheet for Fish Passage Project HPAs and the Fish Habitat Enhancement Project Process

## Background and Design Considerations

WSDOT fish passage projects identified in state law are eligible for Fish Habitat Enhancement Project (FHEP) status per [RCW 77.55.181](#) (1)(c)(vii). FHEP projects are not subject to SEPA and local agencies cannot require permits or fees, unless a floodplain development permit is required per national floodplain insurance requirements ([RCW 77.55.181](#)).

The FHEP process is a streamlining tool that allows WSDOT to correct barriers in an efficient manner. However, if a project has a public health or safety concern, WDFW can deny the project per [RCW 77.55.181](#). WDFW may also deny the application if the local government raises concerns during the comment period that impacts from the project cannot be mitigated by conditioning the HPA ([WAC 220-660-050\(3\)\(b\)\(i\)\(C\)](#)). If the application is denied, the project will proceed with the standard HPA process, which includes proof of SEPA and applying for local permits. However, if the project's purpose is fish passage then it is exempt from the local Shoreline Substantial Development permits ([RCW 90.58.147\(3\)](#)).

WDFW has determined that bank stabilization and stream realignment are acceptable activities under FHEP as long as they are part of a barrier removal project and are located within the WDFW Hydraulic Project jurisdiction [RCW 77.55.011\(11\)](#). If the project features other activities not related to the barrier removal, this requires the submittal of a separate HPA application to cover the non-FHEP work.

## Early Coordination for FHEP projects

1. Start the early coordination process by reviewing [Environmental Manual Ch. 432](#) which provides guidance and outreach tips on floodplain development permits and the flood risk assessment process. Review the preliminary hydraulic design (PHD) report and coordinate with WSDOT Hydraulic and Design staff to verify that the project has no public health or safety concerns. If the project has a health or safety concern, proceed with the non-FHEP permit process.
2. Coordinate with the WDFW permitting biologist to discuss the project, permit application requirements, parts of the project within WDFW's hydraulic project jurisdiction, and HPA provisions. Ensure the permitting biologist knows you are working on a WSDOT-sponsored fish passage project through the environmental retrofit program and the project does not have any public health and safety concerns. Using the pre-application process through [Aquatic Protection Permit System](#) (APPS) is strongly encouraged. APPS is WDFW's online permitting system for HPAs.
3. Coordinate with the local agency planning and/or community development office to avoid potential schedule delays during the 30-day FHEP HPA timeframe. Suggested topics to discuss include: how the project meets WDFW's FHEP criteria per [RCW 77.55.181](#), the efforts planned to avoid and minimize environmental impacts, and explaining the FHEP process. It is important to emphasize how these projects improve fish habitat and stream conditions. This is a good opportunity to determine the local agency concerns about the project and find ways to resolve them before officially submitting the permit application to WDFW.

4. Additional information on early coordination is available in the [Memorandum of Agreement concerning Implementation of the Fish and Wildlife Hydraulic Code for Transportation Activities](#) (also known as the WDFW-WSDOT Hydraulic Code MOA). If any issues arise about a fish passage project's qualification for FHEP during the permitting process, please email [HPAPermitLead@wsdot.wa.gov](mailto:HPAPermitLead@wsdot.wa.gov).

#### Application Package Preparation and Submittal

1. Fill out the permit application in APPS or the [Joint Aquatic Resource Permit Application](#) (JARPA) form for electronic submittals. If you submit by email, you must complete the JARPA. However, WDFW strongly recommends using APPS database.
  - a. Select "Fish Habitat Enhancement Project" when starting the application.
  - b. Make sure the project name is the same name listed on the WDFW fish passage delivery plan list. This will allow WDFW staff to know the application is a WSDOT sponsored project per FHEP requirements. If your project is not on this list, WDFW will determine it is an incomplete application. The current list is uploaded on WSDOT's [Fish Passage Site Management Database](#) (click on the "Program Delivery" tab). Email [fishpassageteam@wsdot.wa.gov](mailto:fishpassageteam@wsdot.wa.gov) if you need help identifying your project name.
  - c. In your project description include the *WDFW Site ID number* and the following statement: *This project is a WSDOT sponsored stand-alone fish passage project through the environmental retrofit program that does not have any health or safety risks.*
  - d. If the project was designed using stream simulation or a bridge, this needs to be specified for fish passage injunction projects.
  - e. Include requests for work windows exceptions needed for fish exclusion.
  - f. APPS will ask if the project is located within a 100-year floodplain. To find this answer look at the floodplain changes section in the PHD report. Provide the summary of the report findings. If no changes are anticipated, state this in the response. If the PHD is attached to the permit application package, reference the floodplain changes section.
2. Make sure the project drawings meet the requirements in [WDFW's Water Crossing Structure Drawing Checklist](#). Additionally, your drawings will need to include the conceptual location of the stream bypass and the 100-year floodplain. Make sure your drawings also have the following information:
  - a. Tree impacts (how many trees are being removed larger than 4" DBH, location for these to be left onsite where possible).
  - b. Vegetation plan (where we are planting and what species).
  - c. Show the 2 yr. and 100 yr. water surface elevations in cross section.
  - d. Show any new or modified stormwater outfalls and energy dissipation with relation to the 100-year elevation.
  - e. Show any temporary crossings used for construction (temporary bridge span, or shoofly, etc.).
  - f. Show any utility crossings that are proposed as part of the permit.
3. You do not need to submit the FHEP form or FHEP sponsorship letter for WSDOT-sponsored fish passage barrier removal projects if the project is on the WDFW fish passage delivery plan list. If the project is not on the list, fill out the most current version of the FHEP form, which is available on the [JARPA](#) webpage and attach a FHEP sponsorship letter.
4. Upload supplemental information and make sure the content is relevant to the HPA submittal.

5. Review the permit application package for accuracy and thoroughness and make sure stream impact quantities do not conflict between the application, drawings, and supplemental information.
6. Submit the permit application package to WDFW using [APPS](#).
7. Submit the permit application package to the local government on the same day you submit to WDFW. A pdf of the permit application will be available to download from [APPS](#) after submittal. Send the pdf to the local government. An FHEP template letter for local governments is available in the Tools, Templates, & Links tab on the [WSDOT Fish](#) webpage. Local government(s) have 15 days to provide comments. WSDOT is responsible for resolving any local concerns such as public health, safety, or any other issue. If local issues are not resolved and there is not a way to adapt the project accordingly, WDFW will recommend pursuing a standard HPA.
8. Review draft HPA provisions and provide feedback on any provisions to avoid future HPA modifications.
9. If the permitting biologist asks questions, please answer them as quickly as possible. WDFW only has 30 days to issue the HPA after receiving a complete permit application. If any issues arise that can't be resolved within 30 days, send the permitting biologist an email asking them to place a hold on the HPA processing. This will pause the 30-day timeline, so issues can be resolved without WDFW requiring us to go through the standard non-FHEP HPA permitting process.

#### After the WDFW issues the HPA

1. Review the issued HPA provisions for feasibility. Coordination with the project office(s) is strongly encouraged.
2. ESO developed a crosswalk that links HPA provisions to contracts that is available on the [WSDOT Fish](#) webpage and it is also available in WSDOT [Commitment Track System](#) (CTS).
3. If the project description, the project area, or end date changes, the HPA may need to be modified. Coordinate with your WDFW permitting biologist to determine if your HPA requires a major or a minor modification. Modifications are submitted on the [APPS](#) website.