

FRAMEWORK AGREEMENT
BETWEEN
WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
AND
WASHINGTON STATE ASSOCIATION OF COUNTY ENGINEERS

WHEREAS, the Washington State Department of Fish and Wildlife (WDFW) has responsibility for administering the state hydraulic code, RCW 77.55 and WAC 220-110, involving regulatory protection of all fish life affected by construction projects and other activities that affect the natural flow or bed of waters of the state; AND

WHEREAS, WDFW uses the Hydraulic Project Approval (HPA) as the primary tool for protecting fish against impacts from project or activities in state waters; AND

WHEREAS, Washington's counties have responsibility for maintaining and improving 39,850 miles of county road, 3,276 bridges greater than 20 feet in length, and numerous smaller bridges, culverts, and ditches conveying state waters adjacent to and under county roads; AND

WHEREAS, Washington's county engineers have the primary responsibility per RCW 36.80.030 for the maintenance and improvement of county roads and bridges; AND

WHEREAS, nearly all county road maintenance activities and improvement projects take place adjacent to or in close proximity to waters of the state necessitating the obtaining of a state HPA and other permits from other federal, state, and local regulatory agencies; AND

WHEREAS, counties are a subdivision of the state of Washington and have a unique responsibility and relationship as the state's partner in providing numerous public services including criminal prosecution and courts, public safety, public health, land use planning, and transportation, AND

WHEREAS, the county engineers of Washington state have organized themselves as the Washington State Association of County Engineers (WSACE) for several purposes including the building of professional relationships between agencies and parties engaged in the betterment of public facilities and advocating stewardship of the environment and infrastructure, AND

WHEREAS, both WDFW and WSACE hereby express their desire to work collaboratively to enhance the relationship between the state and county agencies in order to find ways to make the HPA process more predictable and timely while maintaining and improving the effectiveness of HPA protection measures; AND

WHEREAS, both WDFW and WSACE will designate individuals from their respective organizations to work together to find opportunities to build our professional relationship and to improve the project design and permit review processes.

NOW THEREFORE BE IT RESOLVED AND AGREED UPON, that it is desirable for WDFW and WSACE to form a WDFW/WSACE HPA Working Group (Working Group) and to establish objectives and parameters for the Working Group to follow:

1. The Working Group is an informal relationship and is not a binding contract between requiring specific action by any state agency, WSACE or any county. Outcomes that may come from the Working Group may require formal action by rule-making or legislation to be put into effect.
2. WDFW will host the Working Group and provide, as necessary, staff resources to organize meetings. WDFW will provide appropriate personnel to participate in the Working Group.
3. WSACE will coordinate the involvement of county engineers or appropriate county personnel as participants in the Working Group.
4. The Working Group will examine all elements of the HPA process and look for ways to streamline project approvals and increase awareness of respective requirements in project design and approval.
5. The Working Group will look at ways to involve WDFW staff and WSACE members in the development of technical manuals and other guidance provided to their respective organizations in carrying out their responsibilities involved with the HPA process.
6. The Working Group will look for opportunities to participate jointly in training activities that will increase the capabilities of both WDFW and WSACE in processing and obtaining HPAs.
7. The Working Group will look at alternatives to formal appeals in order to resolve issues and improve outcomes.
8. The Working Group will work with respective legal resources to find common understanding of the legal issues that may arise around project design and permitting. Any information obtained will be considered informal and non-binding by any participant.
9. WDFW and WSACE will work together to develop a formal relationship between the state and counties for the purpose of establishing agreed upon procedures for review of projects including regular project review meetings, prioritizing of projects for review, certification of county personnel for certain types of projects with recurring protection elements, issuance of long-term permits for certain activities and associated technical assistance.

ADOPTED THIS 11th DAY OF JUNE, 2009, IN KENNEWICK, WASHINGTON.



Peter Birch, WDFW



Derek Pohle, President, WSACE