

**From:** [Nation, Theresa K \(DFW\)](#)  
**To:** [ECY RE SWRO SEPA COORDINATOR; SEPADesk2 \(DFW\)](#)  
**Cc:** [Cummings, Evelyn \(ECY\)](#); [Washington, Diana \(ECY\)](#)  
**Subject:** RE: ECY SEPA 202006329 - Mineral Prospecting Hydraulic Code Rule Changes - Comments  
**Date:** Tuesday, March 2, 2021 3:08:04 PM  
**Attachments:** [image001.png](#)

---

Hello,

Thank you for reviewing the Mineral Prospecting Hydraulic Code Rule Changes (DNS 20-059) and providing comments. This rule proposal concerns the regulation of motorized and gravity siphon aquatic mining under Chapter 77.55 RCW (a.k.a. the Hydraulic Code). Individuals prospectors are responsible for assessing a site for the presence of chemicals and reporting any releases of contamination to Ecology. Additionally, Hydraulic Project Approval (HPA) permits include standard provisions that:

- require the reporting of fish kills or fish distress related to water quality problems to the Washington Military Department Emergency Management Division; and
- require the prevention of contaminants from the project from entering or leaching into waters of the state.

Individuals seeking an HPA for motorized or gravity siphon aquatic mining must first obtain an NPDES permit from the Department of Ecology as required in Chapter 90.48.615 RCW. WDFW will not process an HPA application without proof of that permit. That language can be found in the rule proposal in sub-section 220-660-050(9)(c)(iii)(H), in accordance with Chapter 77.55.021(2)(e) RCW. We believe this satisfies the intent of the comment regarding NPDES permitting.

Thank you again for taking the time to review the mineral prospecting rule amendments.

Regards, Theresa

*Theresa Nation*  
Environmental Planner  
Washington Department of Fish and Wildlife  
1111 Washington St. SE  
Olympia, WA 98501  
(360) 688-4745 cell  
**Pronouns and Titles:** she/her/Ms

---

**From:** ECY RE SWRO SEPA COORDINATOR <swrosepacoordinator@ECY.WA.GOV>  
**Sent:** Friday, January 29, 2021 8:30 AM  
**To:** SEPADesk2 (DFW) <SEPADesk2@dfw.wa.gov>  
**Cc:** Cummings, Evelyn (ECY) <ECUM461@ECY.WA.GOV>; Washington, Diana (ECY)

<DWAS461@ECY.WA.GOV>; Nation, Theresa K (DFW) <Theresa.Nation@dfw.wa.gov>

**Subject:** ECY SEPA 202006329 - Mineral Prospecting Hydraulic Code Rule Changes - Comments

**Importance:** High

Lisa Wood, SEPA/NEPA Coordinator:

Thank you for the opportunity to comment on the Mineral Prospecting Hydraulic Code Rule Changes Project (Lead Agency File No(s). DNS 20-059). Ecology's comments are attached.

[ [Statewide SEPA Register](#) No. 202006329 ]

Have a great day,

**Garret Peck**

**Backup SEPA Coordinator | Southwest Regional Office**

**Desk:** 360-407-6300 | **Cell:** 360-480-3300

