

12. MINERAL PROSPECTING RULES – RULE BRIEFING & PUBLIC HEARING

TABLE OF CONTENTS

Decision Page/"Green sheet"	A
Proposed Rules	B
Recommended Adjustments to Proposed Rules.....	C
Summary of Public Comments Received on Proposed Rules and WDFW Responses	D

“GREEN SHEET”

Meeting dates: November 7-8, 2008

Agenda item #12: Proposed Mineral Prospecting Rules

Staff Contact: Greg Hueckel, hueckgjh@dfw.wa.gov 360-902-2416

Presenter(s): Greg Hueckel, Assistant Director, Habitat Program
Perry Harvester, Region 3 Regional Habitat Program Manager

Background:

The current rules regulating mineral prospecting activities under authority of RCW 77.55.091 were adopted in 1998. In August 2006 the Commission directed agency staff to “*initiate the rule-making process on gold and fish rules as expeditiously as possible.*” Habitat Program staff organized a workgroup of 17 individuals from the prospecting community, federal and state agencies, tribes, and environmental interests to develop new rules. The workgroup met between January 2007 and March 2008 and negotiated new proposed rules using best available science. Following rule adoption, Habitat Program staff will publish a new Gold and Fish pamphlet for prospector’s use beginning in 2009.

Policy issue(s) you are bringing to the Commission for consideration:

The Commission is being asked to adopt rules for mineral prospecting under RCW 77.55.091.

Public involvement process used and what you learned:

Representatives of interested parties participated in the workgroup to develop the proposed rules. While consensus was not achieved on all issues addressed by the workgroup, it was important that an open discussion occurred so that all sides understood the reasons behind each party’s position. We used a facilitator for the early workgroup meetings, which helped the participants work towards common interests. In January 2008, Habitat Program hosted four public workshops in Spokane, Ellensburg, Mill Creek, and Vancouver to inform the public about the rules. Those workshops, and the open comment period revealed significant discontent about the proposed rules not only among members of the prospecting community, but also among those prospectors that sat on the workgroup. Prospectors expressed significant dissatisfaction with proposed work windows, numerous specific work requirements, and in the rule development process itself. Because of this, Habitat Program withdrew the original proposed rules and continued working with the workgroup. With the exception of the proposed work windows, the workgroup was able to resolve those issues. The comment period on the current proposed rules and testimony to the Commission in October 2008 showed continued disagreement among the public on the impact of mineral prospecting and how to regulate it.

Action requested:

The Commission is being asked to adopt the proposed rules and the suggested changes to those rules the WDFW staff presented to the Commission during the October 3, 2008 briefing.

Draft motion language:

I move to adopt the amendments to the following WACs:
WAC 220-110-020, Definitions;
WAC 220-110-030, Hydraulic project approvals – Procedures;
WAC 220-110-031, Pamphlet hydraulic project approvals – Procedures;
WAC 220-110-200, Mineral prospecting technical provisions;
WAC 220-110-201, Common mineral prospecting technical provisions;
WAC 220-110-202, Use of Class 0 mineral prospecting equipment;
WAC 220-110-206, Authorized work times and watercourses for mineral prospecting and placer mining projects by specific watercourse, except the Columbia and Snake rivers, lake, salt waters and waters within National Park boundaries using Class I and II equipment;

WAC 220-110-340, Informal appeal of adverse administrative decisions;
WAC 220-110-350, Formal appeal of administrative decisions;
WAC 220-110-360, Penalties;

and repeal the following WACs as presented to the Commission on October 3, 2008:
WACs 220-110-203, Use of Class I mineral prospecting equipment;
WAC 220-110-204, Use of Class II mineral prospecting equipment;
WAC 220-110-205, Use of Class III mineral prospecting equipment;
WAC 220-110-207, Authorized work times and watercourses for mineral prospecting and placer mining projects in the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries;
WAC 220-110-208, Authorized work times and watercourses for mineral prospecting and placer mining projects;
WAC 220-110-209, Authorized work times and watercourses for mineral prospecting and placer mining projects using Class 0 equipment only.

I further move that these changes shall become effective on April 3, 2009.

Justification for Commission action:

The Commission directed agency staff revise the rules for mineral prospecting. The proposed rules reflect best available science, current methods of mineral prospecting and its impact on fish life and habitat, and methods to mitigate those impacts. The proposed rules offer the best balance between prospectors' desires to conduct their operations and the need to protect fish life and habitat from prospecting impacts. The Commission is authorized to adopt rules implementing RCW 77.55.091 under RCW 77.12.047 and 77.04.020.

Form revised 10/24/07

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-020 Definitions. As used in this chapter, unless the context clearly requires otherwise:

(1) "Abandoning an excavation site" means not working an excavation site for forty-eight hours or longer.

(2) "Aggregate" means a mixture of minerals separable by mechanical or physical means.

~~((2))~~ (3) "Aquatic beneficial plant" means native and nonnative aquatic plants not prescribed by RCW 17.10.010(10), and that are of value to fish life.

~~((3))~~ (4) "Aquatic noxious weed" means an aquatic weed on the state noxious weed list as prescribed by RCW 17.10.010(10).

~~((4))~~ (5) "Aquatic plant" means any aquatic noxious weed and aquatic beneficial plant that occurs within the ordinary high water line of waters of the state.

~~((5))~~ (6) "Artificial materials" means clean, inert materials that you use to construct diversion structures for mineral prospecting.

(7) "Bank" means any land surface above the ordinary high water line that adjoins a body of water and contains it except during floods. Bank also includes all land surfaces of islands above the ordinary high water line that adjoin a ~~((water))~~ body of water and that are below the flood elevation of their

surrounding (~~(water)~~) body of water.

~~((6))~~ (8) "Beach area" means the beds between the ordinary high water line and extreme low tide.

~~((7))~~ (9) "Bed" means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

~~((8))~~ (10) "Bed materials" means naturally occurring material, including, but not limited to, gravel, cobble, rock, rubble, sand, mud and aquatic plants, found in the beds of state waters. Bed materials may be found in deposits or bars above the wetted perimeter of water bodies.

~~((9))~~ (11) "Biodegradable" means material that is capable of being readily decomposed by biological means, such as by bacteria.

~~((10))~~ (12) "Bioengineering" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

~~((11))~~ (13) "Bottom barrier or screen" means synthetic or natural fiber sheets of material used to cover and kill plants

growing on the bottom of a watercourse.

~~((12))~~ (14) "Boulder" means a stream substrate particle larger than ten inches in diameter.

~~((13))~~ (15) "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

~~((14))~~ (16) "Classify" means to sort aggregate by hand or through a screen, grizzly, or similar device to remove the larger material and concentrate the remaining aggregate.

(17) "Cofferdam" means a temporary enclosure used to keep water from a work area.

(18) "Complete written application" means any document that serves as application for a written hydraulic project approval under WAC 220-110-030 which is signed and dated by the applicant and authorized agent, if one is acting for the applicant, and contains general plans for the overall project, complete plans and specifications for the proposed construction or work waterward of the mean higher high water line in salt water, or waterward of the ordinary high water line in fresh water, complete plans and specifications for the proper protection of fish life, and notice of compliance with any applicable requirements of the State Environmental Policy Act, chapter 43.21C RCW, unless otherwise provided for in chapter 77.55 RCW.

(19) "Concentrator" means a device used to physically or mechanically separate ~~((and enrich))~~ the valuable mineral content ~~((of))~~ from aggregate. ~~((Pans, sluice boxes and mini-~~

~~rocker boxes are examples of concentrators.~~

~~(15) "Cofferdam" means a temporary enclosure used to keep water from a work area.~~

~~(16))~~ (20) "Control" means level of treatment of aquatic noxious weeds as prescribed by RCW 17.10.010(5).

~~((17))~~ (21) "Crevicing" means removing aggregate from cracks and crevices using hand-held mineral prospecting tools or water pressure.

(22) "Department" means the Washington department of fish and wildlife.

~~((18))~~ (23) "Diver-operated dredging" means the use of portable suction or hydraulic dredges held by SCUBA divers to remove aquatic plants.

~~((19))~~ (24) "Drawdown" means decreasing the level of standing water in a watercourse to expose bottom sediments and rooted plants.

~~((20))~~ (25) "Dredging" means removal of bed material using other than hand-held tools.

~~((21))~~ (26) "Early infestation" means an aquatic noxious weed whose stage of development, life history, or area of coverage makes one hundred percent control and eradication as prescribed by RCW 17.10.010(5) likely to occur.

~~((22))~~ (27) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions, other natural conditions, or fire.

~~((23))~~ (28) "Entrained" means the entrapment of fish into

a watercourse diversion without the presence of a screen, into high velocity water along the face of an improperly designed screen, or into the vegetation cut by a mechanical harvester.

((+24)) (29) "Equipment" means any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

((+25)) (30) "Eradication((-))": See "control."

((+26)) (31) "Established ford" means a crossing place in a watercourse that was in existence and annually used prior to 1986 or subsequently permitted by the department, and((-)) has identifiable approaches on the banks.

((+27)) (32) "Excavation site" means the pit, furrow, or hole from which (~~aggregate is being removed for the processing and recovery of~~) you remove aggregate in order to process and recover minerals or into which wastewater is discharged to settle out sediments.

((+28)) (33) "Extreme low tide" means the lowest level reached by a receding tide.

((+29)) (34) "Farm and agricultural land" means those lands identified as such in RCW 84.34.020.

((+30)) (35) "Filter blanket" means a layer or combination of layers of pervious materials (organic, mineral, or synthetic) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

((+31)) (36) "Fish life" means all fish species, including

but not limited to food fish, shellfish, game fish, and other nonclassified fish species and all stages of development of those species.

((~~32~~)) (37) "Fishway" means any facility or device that is designed to enable fish to effectively pass around or through an obstruction without undue stress or delay.

((~~33~~)) (38) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director of the Washington department of fish and wildlife.

((~~34~~)) (39) "Frequent scour zone" means the area between the wetted perimeter and the toe of the slope, comprised of aggregate, boulders, or bedrock. Organic soils are not present in the frequent scour zone.

(40) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

((~~35~~)) (41) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the Washington fish and wildlife commission.

((~~36~~)) (42) "Ganged equipment" means two or more pieces of mineral prospecting equipment coupled together to increase efficiency. An example is adding a second sluice to a high-banker ~~within the flow of water and aggregate.~~

(43) "General provisions" means those provisions that are contained in every HPA.

~~((37))~~ (44) "Gold and Fish pamphlet" means a document that details the rules for conducting small-scale and other prospecting and mining activities, and which serves as the hydraulic project approval for certain mineral prospecting and mining activities in Washington state.

(45) "Habitat improvement structures or stream channel improvements" means natural or human-made materials placed in or next to bodies of water to make existing conditions better for fish life. Rock flow deflectors, engineered logjams, and artificial riffles are examples.

(46) "Hand cutting" means the removal or control of aquatic plants with the use of hand-held tools or equipment, or equipment that is carried by a person when used.

~~((38))~~ (47) "Hand-held tools" means tools that are held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. Some examples of hand-held tools are shovels, rakes, hammers, pry bars and cable winches. This definition does not apply to hand-held tools used for mineral prospecting. See "hand-held mineral prospecting tools."

~~((39))~~ (48) "Hand-held mineral prospecting tools" means:

(a) Tools that you hold by hand and are not powered by internal combustion, hydraulics, or pneumatics. Examples include metal detectors, shovels, picks, trowels, hammers, pry bars, hand-operated winches, and battery-operated pumps specific to prospecting; and

(b) Vac-pacs.

(49) "Hatchery" means any water impoundment or facility

used for the captive spawning, hatching, or rearing of fish and shellfish.

~~((40) "Highbanker" means a stationary concentrator capable of being operated outside the wetted perimeter of the water body from which water is removed, and which is used to separate gold and other minerals from aggregate with the use of water supplied by hand or pumping, and consisting of a sluice box, hopper, and water supply. Aggregate is supplied to the highbanker by means other than suction dredging. This definition excludes mini-rocker boxes.~~

~~(41) "Highbanking" means the use of a highbanker for the recovery of minerals.~~

~~(42)) (50) "High-banker" means a stationary concentrator that you can operate outside the wetted perimeter of the body of water from which the water is removed, using water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water supply. You supply aggregate to the high-banker by means other than suction dredging. This definition excludes rocker boxes. See Figure 1.~~



(51) "High-banking" means using a high-banker to recover minerals.

(52) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic projects include forest practice activities, conducted pursuant to the forest practices rules (Title 222 WAC), that involve construction or performance of other work in or across the ordinary high water line of:

(a) Type 1-3 waters; or

(b) Type 4 and 5 waters with identifiable bed or banks where there is a hatchery water intake within two miles downstream; or

(c) Type 4 and 5 waters with identifiable bed or banks within one-fourth mile of Type 1-3 waters where any of the following conditions apply:

(i) Where the removal of timber adjacent to the stream is likely to result in entry of felled trees into flowing channels;

(ii) Where there is any felling, skidding, or ground lead yarding through flowing water, or through dry channels with identifiable bed or banks with gradient greater than twenty percent;

(iii) Where riparian or wetland leave trees are required and cable tailholds are on the opposite side of the channel;

(iv) Where road construction or placement of culverts occurs in flowing water;

(v) Where timber is yarded in or across flowing water;

(d) Type 4 and 5 waters with identifiable bed or banks that are likely to adversely affect fish life, where the HPA requirement is noted by the department in response to the forest practice application.

Hydraulic projects and associated permit requirements for specific project types are further defined in other sections of this chapter.

~~((43)) "Hydraulic project application" means a form provided by and submitted to the department of fish and wildlife accompanied by plans and specifications of the proposed hydraulic project.~~

~~(44))~~ (53) "Hydraulic project approval" ~~((HPA))~~ or "HPA" means:

(a) A written approval for a hydraulic project signed by the director of the department of fish and wildlife, or the director's designates; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of fish and wildlife, or the director's designates; or

(c) The following printed pamphlet approvals ~~((and any supplemental approvals to them. See "supplemental approval"))~~:

(i) A "*Gold and Fish*" pamphlet issued by the department, which identifies and authorizes specific minor hydraulic project activities for mineral prospecting and placer mining; or

(ii) An "*Irrigation and Fish*" pamphlet issued by the department, which identifies and authorizes specific minor hydraulic project activities; or

(iii) An "*Aquatic Plants and Fish*" pamphlet and any supplemental approvals to it issued by the department, which identifies and authorizes specific aquatic noxious weed and aquatic beneficial plant removal and control activities.

~~((45)) "Hydraulic" means the use of water spray or water under pressure to dislodge minerals and other material.~~

~~(46))~~ (54) "Job site" means the space of ground including and immediately adjacent to the area where work is conducted under the authority of ~~((a hydraulic project approval))~~ an HPA. For mineral prospecting and placer mining projects, the job site includes the excavation site.

~~((47))~~ (55) "Joint aquatic resources project application" or "JARPA" means a form provided by the department and other agencies which an applicant submits when requesting a written HPA for a hydraulic project.

(56) "Lake" means any natural or impounded body of standing freshwater, except impoundments of the Columbia and Snake rivers.

~~((48))~~ (57) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet, and rootwads, wholly or partially waterward of the ordinary high water line.

~~((49))~~ (58) "Mean higher high water" or "MHHW," means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the ~~((MLLW))~~ mean lower low water = 0.0 tidal elevation.

~~((50))~~ (59) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each ~~((days'))~~ day's lowest tide at a particular location over a period of nineteen years. It is the tidal datum for vertical tidal references in the saltwater area.

~~((51))~~ (60) "Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with the use of aquatic mechanical harvesters, which cut and collect aquatic plants, and mechanical cutters, which only cut aquatic plants.

~~((52))~~ "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal other than the human body used in any aspect of prospecting for or recovering minerals. Classifications of mineral prospecting equipment are as follows:

~~(a) Class 0 -- nonmotorized pans.~~

~~(b) Class I.~~

~~(i) Pans.~~

~~(ii) Nonmotorized sluice boxes, concentrators and mini-rocker boxes with a riffle area not exceeding ten square feet, and not exceeding fifty percent of the width of the wetted perimeter of the stream.~~

~~(c) Class II.~~

~~(i) Suction dredges with a maximum nozzle size of four inches inside diameter.~~

~~(ii) Highbankers or suction dredge/highbanker combinations with a maximum water intake size of two and one-half inches inside diameter, when operated wholly below the ordinary high~~

~~water line.~~

~~(d) Class III.~~

~~(i) Highbankers supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.~~

~~(ii) Suction dredge/highbanker combinations supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.~~

~~(iii) Other concentrators supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.~~

~~(53))~~ (61) "Mineral prospect" means to excavate, process, or classify aggregate using hand-held mineral prospecting tools and mineral prospecting equipment.

(62) "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal (other than the human body) that you use in any aspect of prospecting for or recovering minerals.

(63) "Mini high-banker" means a high-banker with a riffle area of three square feet or less. See Figure 2.



(64) "Mini((-))rocker box" means a (~~nonmotorized~~ concentrator operated with a rocking motion and consisting of a hopper attached to a cradle and a sluice box with a riffle area not exceeding ten square feet. The mini rocker box shall only be supplied with water by hand and be capable of being carried by one individual. A mini rocker box shall not be considered a highbanker.

(54)) rocker box with a riffle area of three square feet or less. See Figure 3.

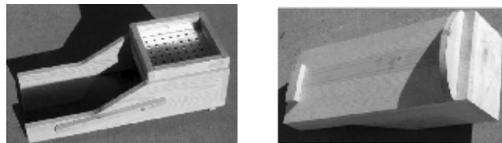


Figure 3: Mini rocker box (top view and bottom view)

(65) "Mining" means the production activity that follows mineral prospecting.

(66) "Mitigation" means actions (~~which~~) that shall be required as provisions of the HPA to avoid or compensate for impacts to fish life resulting from the proposed project activity. The type(s) of mitigation required shall be

considered and implemented, where feasible, in the following sequential order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; or

(f) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

For projects with potentially significant impacts, a mitigation agreement may be required prior to approval. Replacement mitigation may be required to be established and functional prior to project construction.

~~((55))~~ (67) "Natural conditions" means those conditions ~~((which))~~ that arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

~~((56))~~ (68) "No-net-loss" means:

(a) Avoidance or mitigation of adverse impacts to fish life; or

(b) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(c) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no-net-loss should benefit those organisms being impacted.

~~((57))~~ (69) "Ordinary high water line" or "OHWL" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland~~((÷))~~, provided~~((τ))~~ that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater shall be the line of mean higher high water, and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

~~((58))~~ (70) "Pan" means ~~((the following equipment used to separate gold or other metal from aggregate by washing:~~

- ~~((a) An open, metal or plastic dish operated by hand; or~~
- ~~((b) A motorized rotating open, metal or plastic dish without pumped or gravity fed water supplies.~~

~~((59))~~ an open metal or plastic dish that you operate by hand to separate gold or other minerals from aggregate by washing the aggregate. See Figure 4.



Figure 4: Pan

(71) "Panning" means ~~((the use of))~~ using a pan to wash aggregate.

~~((60))~~ (72) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

~~((61))~~ (73) "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

~~((62))~~ (74) "Pool" means a portion of the stream with reduced current velocity, often with water deeper than the surrounding areas.

~~((63))~~ (75) "Power sluice" means "high-banker."

(76) "Power sluice/suction dredge combination" means a machine that can be used as a power sluice, or with minor modifications, as a suction dredge. See Figure 5.



Figure 5: Power sluice/suction dredge combination

(77) "Process aggregate" or "processing aggregate" means the physical or mechanical separation of the valuable mineral content within aggregate.

(78) "Prospecting" means the exploration for minerals and mineral deposits.

(79) "Protection of fish life" means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations.

~~((64))~~ (80) "Purple loosestrife" means Lythrum salicaria and Lythrum virgatum as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(b).

~~((65))~~ (81) "Redd" means a nest made in gravel, consisting of a depression dug by a fish for egg deposition, and associated gravel mounds. See Figure 6.



(82) "Riffle" means the bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold.

~~((66))~~ (83) "River or stream." See "watercourse."

~~((67))~~ (84) "Rocker box" means a nonmotorized concentrator consisting of a hopper attached to a cradle and a sluice box that you operate with a rocking motion. See Figure 7.



(85) "Rotovation" means the use of aquatic rotovators which have underwater rototiller-like blades to uproot aquatic plants as a means of plant control.

~~((68))~~ (86) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

~~((69))~~ (87) "Shellfish" means those species of saltwater and freshwater invertebrates that shall not be taken except as authorized by rule of the director of the department of fish and wildlife. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((70))~~ (88) "Slope" means:

(a) Any land surface above the frequent scour zone and wetted perimeter that adjoins a body of water. Slope also includes land surfaces of islands above the frequent scour zone that adjoin a body of water; or

(b) A stretch of ground forming a natural or artificial incline.

(89) "Sluice (~~box~~)" means a trough equipped with riffles across its bottom, ~~((used to recover gold and other minerals with the use of water.~~

~~(71) "Sluicing" means the use of a sluice box for the recovery of gold and other minerals.~~

~~(72) "Small scale mineral prospecting equipment" encompasses the equipment included in "mineral prospecting equipment, Class I."~~

~~(73))~~ which you use to recover gold and other minerals with the use of flowing water. See Figure 8.



(90) "Spartina" means *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*, and *Spartina patens* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(a).

~~((74))~~ (91) "Special provisions" means those conditions that are a part of the HPA, but are site_ or project_specific, and are used to supplement or amend the technical provisions.

~~((75))~~ (92) "Spiral wheel" means a hand-operated or battery powered rotating pan that you use to recover gold and minerals with the use of water. See Figure 9.



(93) "Stable slope" means a slope without visible evidence of slumping, sloughing or other movement. Stable slopes will not show evidence of landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically present on stable slopes.

(9394) "Stream~~_~~bank stabilization" means those projects which prevent or limit erosion, slippage, and mass wasting(~~(+)~~), including, but not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection (physical armoring of banks using rock or woody material, or placement of jetties or groins), gravel removal, or erosion control.

~~((76))~~ (9495) "Suction dredge" means a machine ~~((equipped with an internal combustion engine or electric motor powering a water pump which is used))~~ that you use to move submerged ~~((bed materials by means of))~~ aggregate via hydraulic suction. ~~((These bed materials are processed))~~ You process the aggregate through an attached sluice box for the recovery of gold and other minerals. See Figure 10.



((77)) (9596) "Suction dredging" means ~~((the use of))~~ using a suction dredge for the recovery of gold and other minerals.

((78)) (9697) "Supplemental approval" means a written addendum issued by the department to ((a)) an Aquatic Plants and Fish pamphlet HPA for approved exceptions to conditions of that pamphlet HPA or for any additional authorization by the department when required by ((a)) the pamphlet HPA. See "hydraulic project approval."

((79)) (9798) "Tailings" means the waste material ~~((remaining))~~ that remains after ~~((processing))~~ you process aggregate for minerals.

((80)) (9899) "Technical provisions" means those conditions that are a part of the HPA and apply to most projects of that nature.

((81)) (99100) "Toe of the bank" means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

((82)) (100101) "Toe of the slope" means the base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.

(101102) "Unstable slope" means a slope with visible evidence of slumping, sloughing or other movement. Evidence of unstable slopes includes landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically not present on unstable slopes.

(102103) "Vac-pac" means a motorized, portable vacuum used for prospecting. See Figure 11.



(103104) "Viable" means that any plant or plant part is capable of taking root or living when introduced into a body of water.

~~((83))~~ (104105) "Watercourse" and "river or stream" means any portion of a channel, bed, bank, or bottom waterward of the ordinary high water line of waters of the state, including areas in which fish may spawn, reside, or ~~((through which they may))~~ pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse

~~((which))~~ that has been altered by humans.

~~((84))~~ (105106) "Water right" means a certificate of water right, a vested water right or a claim to a valid vested water right, or a water permit, pursuant to Title 90 RCW.

~~((85))~~ (106107) "Waters of the state" or "state waters" means all salt waters and fresh waters waterward of ordinary high water lines and within the territorial boundaries of the state.

~~((86))~~ (107108) "Water type" means water categories as defined in WAC 222-16-030 of the forest practice rules and regulations.

~~((87))~~ (108109) "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

~~((88))~~ (109110) "Wetted perimeter" means the areas of a watercourse covered with flowing or nonflowing water(~~(, flowing or nonflowing)~~)).

(110111) "Woody vegetation" means perennial trees and shrubs having stiff stems and bark. Woody vegetation does not include grasses, forbs, or annual plants.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-020, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-020, filed 6/4/97, effective 7/5/97; 94-23-058 (Order 94-160), § 220-110-020, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-020, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080

and 75.20.100. 84-04-047 (Order 84-04), § 220-110-020, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-020, filed 4/13/83.]

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

WAC 220-110-030 Hydraulic project approvals--Procedures.

(1) A person shall obtain an HPA before conducting a hydraulic project.

(2) (~~A person seeking an HPA shall submit~~) Receipt by the department of any one of the following documents constitutes an application for a written HPA:

(a) A joint aquatic resources permit application (JARPA) submitted to the department;

(b) A forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010; or

(c) A section 10 or 404 public notice circulated by the United States Army Corps of Engineers or United States Coast Guard.

(3) You shall request a written HPA by submitting a complete written application to the department. ((The)) You shall request a pamphlet HPA by following the procedures in WAC 220-110-031. Your application for a written HPA shall contain general plans for the overall project, complete plans and

specifications for the proposed construction or work waterward of the (~~mean higher high water~~) MHHW line in salt water, or waterward of the (~~ordinary high water line~~) OHWL in fresh water, (~~and~~) complete plans and specifications for the proper protection of fish life, and notice of compliance with any applicable requirements of the State Environmental Policy Act, chapter 43.21C RCW, unless otherwise provided for in chapter 77.55 RCW. You and your authorized agent, if one is acting for you, must sign and date the application (~~shall be signed and dated by the applicant or their agent.~~

~~(3) Receipt of any one of the following documents constitutes application for an HPA:~~

~~(a) A completed hydraulic project application submitted to the department;~~

~~(b) A completed forest practice application submitted to the department of natural resources, if the hydraulic project is part of a forest practice as defined in WAC 222-16-010; or~~

~~(c) A section 10 or 404 public notice circulated by the United States Army Corps of Engineers or United States Coast Guard)).~~

(4) The department shall grant or deny approval within forty-five calendar days of the receipt of a complete written application (~~and notice of compliance with any applicable requirements of the State Environmental Policy Act (SEPA) (chapter 43.21C RCW))~~). The department shall strive to issue HPAs in less than thirty days. The forty-five day requirement shall be suspended if:

~~(a) ((An incomplete application is received;~~

~~(b)))~~ The site is physically inaccessible for inspection;

~~((e)))~~ (b) You or your authorized agent, if one is acting for you, remains unavailable or unable to arrange for a timely field evaluation of the proposed project after ten working days of the department's receipt of the application((, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project)));

~~((d) The applicant))~~ (c) You or your authorized agent, if one is acting for you, requests a delay;

(d) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161 (3)(b); or

(e) The department is reviewing the application as part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

(5) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(6) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or

protect property.

(7) The department may issue an expedited written HPA in those instances where normal processing would result in ~~((unanticipated—extreme))~~ significant hardship for the applicant, or unacceptable environmental damage would occur. ~~((An expedited HPA may be granted upon request for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources that are subject to imminent danger by weather, flow, or other natural conditions.))~~

(8) Expedited HPA requests require a complete written application and shall take precedence over other nonemergency applications ~~((and))~~. These will ~~((normally))~~ be issued within ~~((ten))~~ fifteen calendar days of ~~((request))~~ receipt of a complete written application. ~~((All SEPA requirements shall be met prior to issuance of an expedited HPA.))~~ The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for expedited written HPAs.

~~((+7))~~ (9) The county legislative authority or the department may declare an emergency or continue an existing declaration of an emergency where there is an immediate threat to life, the public, property, or of environmental degradation. Upon the declaration of an emergency, the department shall grant verbal approval ~~((shall be granted))~~ immediately upon request for ~~((emergency work to repair existing structures, move obstructions, restore banks, or protect property that is subject to immediate danger by weather, flow, or other natural conditions. Verbal approval shall be granted immediately upon~~

~~request for driving across a stream during an emergency, as defined in WAC 220-110-020))~~ a stream crossing, or work to remove any obstructions, repair existing obstructions, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow. The verbal approval shall be obtained prior to commencing emergency work and the department must issue a written HPA reflecting the conditions of the verbal approval within thirty days. The provisions of the State Environmental Policy Act, chapter 43.21C RCW, are not required for emergency HPAs.

~~((8))~~ (10) The department may accept written or verbal requests for time extensions, renewals, or alterations of an existing HPA. The request must be processed within forty-five calendar days of receipt of the request. Approvals of such requests shall be in writing. Transfer of an HPA to a new permittee requires written request by the original permittee or their authorized agent, if one is acting for the permittee, and such request shall include the HPA number. This written request shall be in a form acceptable to the department and shall ~~((contain an affirmation by))~~ include a statement that the new permittee ~~((that he/she))~~ agrees to be bound by the conditions ~~((on))~~ in the HPA. ~~((Project activity))~~ The new permittee shall not ~~((be conducted by the new permittee))~~ conduct any project activities until ~~((approval has been issued by))~~ the department has issued approval.

~~((9))~~ (11) Each HPA is usually specific to a watercourse, stating the exact location of the project site, and usually

consists of general, technical, and special provisions.

~~((10))~~ (12) The written HPA, or clear reproduction, shall be on the project site when work is being conducted and shall be immediately available for inspection.

~~((11) All))~~ (13) The department may grant HPAs ~~((may be granted))~~ for a period of up to five years. Permittees shall demonstrate substantial progress on construction of that portion of the project relating to the (HPA) within two years of the date of issuance. The following types of HPAs issued under RCW ~~((75.20.103))~~ 77.55.021 shall remain in effect without the need for periodic renewal, provided the permittee notifies the department before commencing ~~((the))~~ work each year~~((-))~~ :

(a) Work of a seasonal nature that diverts water for irrigation or stock watering purposes~~((-))~~ ; and

(b) Stream-bank stabilization projects if the problem causing the erosion occurs on an annual or more frequent basis as demonstrated by the applicant. Evidence of erosion may include, but is not limited to, history of permit application, approval, or photographs. Periodic ~~((flood waters))~~ floodwaters by themselves do not constitute ~~((the))~~ a problem that requires ~~((a))~~ an HPA.

~~((12) A hydraulic project application))~~ (14) An HPA shall be denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless adequate mitigation can be assured by conditioning the HPA or modifying the proposal. If approval is denied, the department shall provide the applicant, in writing, a statement of the

specific reason(s) why and how the proposed project would adversely affect fish life.

~~((13))~~ (15) Protection of fish life shall be the only grounds upon which the department may deny or condition an HPA ~~((may be denied or conditioned))~~.

~~((14))~~ (16) The department may place specific time limitations on project activities in HPAs ~~((may have specific time limitations on project activities))~~ to protect fish life.

~~((15))~~ (17) HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations of local, federal, and other Washington state agencies.

~~((16) Administration of))~~ (18) The department shall administer this chapter ~~((shall be conducted))~~ in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100, and 232-19 WAC.

~~((17) All HPAs issued pursuant to RCW 75.20.100 and 75.20.160 may be subject to additional restrictions, conditions, or revocation if the department determines that new biological or physical information indicates the need for such action. The permittee has the right to request an informal or formal appeal in accordance with chapter 34.05 RCW. All HPAs issued pursuant to RCW 75.20.103 may be modified by the department due to changed conditions after consultation with the permittee. Provided however, That modifications of HPAs issued pursuant to RCW 75.20.103 and 75.20.160 shall be subject to appeal to the hydraulic appeals board established in RCW 75.20.130.))~~ (19) The

department may, after consultation with the permittee, modify an HPA due to changed conditions. The modification becomes effective unless appealed to the department or the hydraulic appeals board as specified in RCW 77.55.021(4), 77.55.301(5), WAC 220-110-340 and 220-110-350.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-030, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-030, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-21-060 (Order 84-176), § 220-110-030, filed 10/15/84; 84-04-047 (Order 84-04), § 220-110-030, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-030, filed 4/13/83.]

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-031 Pamphlet hydraulic project approvals-- Procedures. (1) In those instances where a pamphlet is the equivalent of ~~((an HPA))~~ a hydraulic project approval (HPA) as defined in WAC 220-110-020~~((+44))~~ (53), a person shall obtain a pamphlet HPA issued by the department, which identifies and authorizes specific minor hydraulic project activities before conducting a hydraulic project.

(2) You may submit requests for pamphlet HPAs to the

department verbally or in writing.

(3) The department may grant exceptions to a pamphlet HPA if you apply for a written HPA as described in WAC 220-110-030, or for supplemental approvals to the *Aquatic Plants and Fish* pamphlet HPA as defined in WAC 220-110-020(~~((44))~~) (53) and 220-110-020(~~((78))~~) (96). Exceptions to a pamphlet HPA shall require written authorization by the department.

~~((3))~~ (4) You may submit applications (~~((submitted to the department))~~) for *Aquatic Plants and Fish* pamphlet supplemental approvals (~~((may be verbal or written))~~) verbally or in writing to the department.

(a) Your supplemental approval application(~~((s))~~) shall specify the requested exception or request for additional authorization and shall include (~~((the applicant's))~~) your name, address and phone number. You shall sign and date written applications (~~((shall be signed and dated))~~).

(b) The department shall grant or deny a request for a supplemental approval within forty-five calendar days of the receipt of a request for supplemental approval.

~~((4) The supplemental approval shall be attached to the pamphlet HPA and shall be on the job site when work is being conducted and shall be immediately available for inspection.))~~

(5) Except as provided in WAC 220-110-201, you shall have the pamphlet HPA, (~~((or clear reproduction, shall be))~~) and any supplemental approvals to it on the job site when work is being conducted and shall (~~((be))~~) make them immediately available for inspection upon request.

~~(6) ((The pamphlet HPA shall be conditioned to ensure protection of fish life.~~

~~(7)) Pamphlet HPAs do not exempt ((the applicant)) you from obtaining other appropriate permits and following the rules ((or)) and regulations of local, federal, and other Washington state agencies.~~

~~((8) Administration of this chapter shall be conducted in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100, and 232-19 WAC.))~~

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-031, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 97-13-001 (Order 97-84), § 220-110-031, filed 6/4/97, effective 7/5/97.]

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-200 Mineral prospecting ((technical provisions)). (1) WAC 220-110-201 through ((220-110-205)) 220-110-206 set forth ((technical provisions)) the rules necessary to protect fish life that ((shall)) apply to mineral prospecting and placer mining projects ((as necessary to protect fish life. Additional special provisions may be included in written HPAs as necessary to address site-specific conditions. Written HPAs shall also have specific time limitations on project activities to protect fish life. Timing limitations for projects conducted under authority of the Gold and Fish pamphlet are found in WAC 220-110-206 through 220-110-209. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable in written HPAs)). A copy of the current Gold and Fish pamphlet is available from the department, and it contains the rules which you must follow when mineral prospecting under its authority.

(2) Alternatively, you may request exceptions to the Gold and Fish pamphlet by applying for an individual written HPA as indicated in WAC 220-110-031. An HPA shall be denied when, in the judgment of the department, the project will result in direct or indirect harm to fish life, unless adequate mitigation

can be assured by conditioning the HPA or modifying the proposal. The department may apply saltwater provisions to written HPAs for tidally influenced areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville Dam where applicable.

(3) Nothing in these rules relieves a person of the duty to obtain landowner permission and any other necessary permits before conducting any mineral prospecting activity.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-200, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-200, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-200, filed 7/20/87. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-200, filed 4/13/83.]

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-201 ((Common)) mineral prospecting ((technical provisions)) without timing restrictions. ((A copy of the current *Gold and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no net loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all mineral prospecting and placer mining projects.

(1) ~~Excavation, collection and processing of aggregate from the bed shall comply with the timing and location restrictions specified in WAC 220-110-206 through 220-110-209. Excavation, collection and processing of aggregate within the wetted perimeter shall only occur between 5:00 a.m. and 11:00 p.m.~~

(2) ~~Excavation sites shall be separated by at least two hundred feet.~~

(3) ~~There shall be no excavation, collection or processing of aggregate within four hundred feet of any fishway, dam or hatchery water intake.~~

~~(4) Except as specified in WAC 220-110-203, aggregate collected from outside the bed shall not be washed, sluiced, processed or deposited within two hundred feet landward of the ordinary high water line.~~

~~(5) A maximum of five individuals eight years of age and over may collect and process aggregate from any excavation site. No more than one pit, furrow or pothole at a time shall be excavated by any one individual.~~

~~(6) Excavations shall not occur between the ordinary high water line and two hundred feet landward of the ordinary high water line. Excavations between the ordinary high water line and the toe of the bank shall not result in undercutting below the ordinary high water line or in disturbance of land surfaces above the ordinary high water line.~~

~~(7) There shall be no disturbance of live rooted vegetation of any kind. Woody debris jams and large woody material shall not be disturbed in any manner.~~

~~(8) With the exception of aggregate excavated by a suction dredge, all excavations of aggregate shall only be performed by hand or with hand-held tools. A maximum of one hand-operated cable, chain or rope winch may be used to move bed material below the ordinary high water line. Additional safety cables, chains or ropes may be attached to this material provided they do not offer a mechanical advantage and are used solely to hold material in place. The use of horses, other livestock or motorized mineral prospecting equipment, except those specifically authorized under WAC 220-110-203 through 220-110-~~

~~205, is prohibited. Materials too large to be moved with a single hand-operated cable, chain or rope winch shall not be disturbed.~~

~~(9) Boulders may be moved only to facilitate collection of aggregate underneath them. Boulders shall be immediately replaced in their original location prior to working another excavation site or leaving the excavation site. Not working the excavation site for more than sixteen hours constitutes leaving the site.~~

~~(10) Only equipment, methods, locations and timing for processing aggregate specified in WAC 220-110-201 through 220-110-209 are authorized. Exceptions shall require additional authorization from the department in the form of a supplemental approval to the *Gold and Fish* pamphlet or a written HPA. A written HPA shall be required for exceptions in cases where "submit application" or "closed" is listed for state waters in WAC 220-110-206 through 220-110-209. Only the following exceptions may be authorized through a supplemental approval to the *Gold and Fish* pamphlet:~~

~~(a) Timing and location only for Class I and Class II mineral prospecting equipment.~~

~~(b) Location only for Class III mineral prospecting equipment.~~

~~(11) With the exception of sieves for classifying aggregate, mineral prospecting equipment shall not be combined in series, joined or ganged with additional mineral prospecting equipment to increase the riffle area or efficiency of mineral~~

~~recovery of a single piece of mineral prospecting equipment.~~

~~(12) There shall be no damming or diversion of the flowing stream except as provided in WAC 220-110-203 (4)(d).~~

~~(13) Prior to working another excavation site or leaving the excavation site, tailings of aggregate collected from below the ordinary high water line shall be returned to the location from which the aggregate was originally collected. Sand and lighter material washed away by the streamflow during aggregate processing and tailings resulting from suction dredging may be left where processed.~~

~~(14) Except as required in subsection (13) of this section, tailings shall not be deposited in existing pools.~~

~~(15) Incubating fish eggs or fry shall not be disturbed. If fish eggs or fry are encountered during excavation of the bed, operations shall immediately cease and the department shall be notified immediately. No further excavations shall occur until all eggs and fry have emerged from the gravel. Further approval shall be required by the department prior to resuming mineral prospecting or placer mining activities in that stream.~~

~~(16) Beds containing live freshwater mussels shall not be disturbed. If live mussels are encountered during excavation of the bed, operations shall immediately cease and shall be relocated a minimum of two hundred feet from them.~~

~~(17) All pits, furrows, tailing piles, and potholes created during excavation or processing of aggregate shall be leveled or refilled with bed materials or tailings prior to working another excavation site or leaving the excavation site. Not working the~~

~~excavation site for more than sixteen hours constitutes leaving the site. No more than one pit, furrow or pothole at a time shall be excavated.~~

~~(18) Fish entrapped within pits, furrows or potholes created during excavation or processing of aggregate shall immediately be safely collected and returned to flowing waters and the pits, furrows or potholes leveled or filled.~~

~~(19) At no time shall mining or prospecting activity create a blockage or hindrance to either the upstream or downstream passage of fish.~~

~~(20) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. Work shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.~~

~~(21) No motorized, tracked, or wheeled vehicles shall be:~~

~~(a) Operated or allowed below the ordinary high water line of the stream; or~~

~~(b) Be operated so as to affect the bed or flow of waters of the state in any way.~~

~~(22) Entry onto private property or removal of minerals from an existing mining claim or state-owned lands without the permission of the landowner or claim holder is not authorized. The permittee is responsible for determining land ownership, land status (i.e., open to entry under the mining laws) and the~~

~~status and ownership of any mining claims.~~

~~(23) Mercury and other hazardous materials shall not be used on the job site for amalgamating minerals.~~

~~(24) Mercury, lead and other hazardous materials removed from aggregate or collected in concentrators during processing of aggregate shall not be returned to waters of the state and shall be disposed of as specified by the department of ecology. Contact the department of ecology for direction on disposal.~~

~~(25) Once mining or prospecting at a job site is completed, or mining or prospecting is not conducted at the job site for more than one week, the job site shall be restored to preproject conditions, all disturbed areas shall be protected from erosion and revegetated with native plants, and all pits, furrows, tailing piles, and potholes shall be leveled or refilled as required in subsection (17) of this section.)~~ You may mineral prospect year-round in all waters of the state, except lakes or salt waters. You must follow the rules listed below, but you do not need to have the rules with you or on the job site.

(1) You may use only hand-held mineral prospecting tools and the following mineral prospecting equipment when mineral prospecting without timing restrictions:

(a) Pans;

(b) Spiral wheels;

(c) Sluices, concentrators, mini rocker boxes, and mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment.

(2) You may not use vehicle-mounted winches. You may use

one hand-operated winch to move boulders, or large woody material that is not embedded. You may use additional cables, chains, or ropes to stabilize boulders, or large woody material that is not embedded.

(3) You may work within the wetted perimeter only from one-half hour before official sunrise to one-half hour after official sunset. ~~If your mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, you must remove the equipment from the wetted perimeter or move it so that a minimum of fifty percent of the wetted perimeter is free of equipment between one-half hour after official sunset to one-half hour prior to official sunrise.~~

(4) You may not disturb fish life or redds within the bed. If you observe or encounter fish life or redds within the bed, or actively spawning fish when collecting or processing aggregate, you must relocate your operations. ~~You must avoid areas containing live freshwater mussels. If you encounter live mussels during excavation, you must relocate your operations.~~

(5) Rules for excavating:

(a) You may excavate only by hand or with hand-held mineral prospecting tools.

(b) You may not excavate, collect, or remove aggregate from within the wetted perimeter. See Figures 1 and 2.

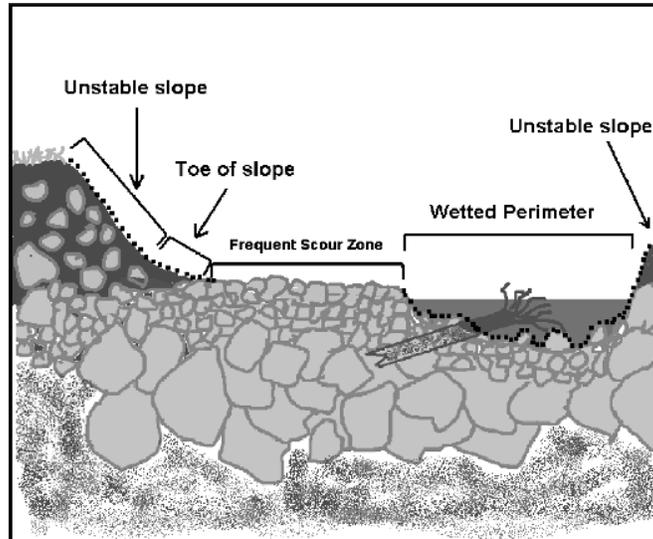


Figure 1: Cross section of a typical body of water, showing areas where excavation is not permitted under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(c) Only one excavation site per individual is allowed. However, you may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

(d) You may not stand within, or allow aggregate to enter, the wetted perimeter when collecting or excavating aggregate.

(e) You must fill all excavation sites and level all tailing piles prior to moving to a new excavation site or abandoning an excavation site. If you move boulders, you must return them, as best as you can, to their approximate, original location.

(f) You may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. You may move large woody material and boulders located entirely within the frequent scour zone,

but you must keep them within the frequent scour zone. You may not cut large woody material. See Figure 2.

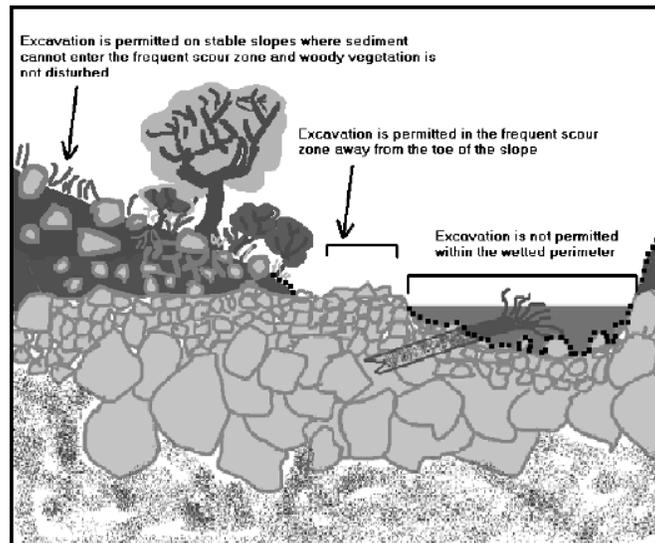


Figure 2: Permitted and prohibited excavation sites in a typical body of water under rules for mineral prospecting without timing restrictions. Dashed lines indicate areas where excavation is not permitted.

(g) You may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(h) You may not excavate, collect, or remove aggregate from the toe of the slope. You also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 3 and 4.



(6) Rules for processing aggregate:

(a) You may stand within the wetted perimeter when processing aggregate with pans; spiral wheels; and sluices.

(b) You may not stand on or process directly on redds or

disturb incubating fish life. You may not allow tailings, or visible sediment plumes (visibly muddy water), to enter redds or areas where fish life are located within the bed.

(c) You may not level or disturb tailing piles that remain within the wetted perimeter after processing aggregate.

(d) You must classify aggregate at the collection or excavation site prior to processing, if you collected or excavated it outside the frequent scour zone.

(e) You may process only classified aggregate within the wetted perimeter when using a sluice.

(f) The maximum width of a sluice, measured at its widest point, including attachments, shall not exceed twenty-five percent of the width of the wetted perimeter at the point of placement.

(g) You may process with a sluice only in areas within the wetted perimeter that are composed primarily of boulders and bedrock. You must separate sluice locations by at least fifty feet. You may not place structures within the wetted perimeter to check or divert the water flow.

(h) You may operate mini high-bankers or other concentrators only outside the wetted perimeter. You may only supply water to this equipment by hand or by a battery-operated pump with a screened intake. You may not allow visible sediment or muddy water to enter the wetted perimeter. A second excavation site may be used as a settling pond.

(i) Under RCW 77.57.010 and 77.57.070, any device you use for pumping water from fish-bearing waters must be equipped with

a fish guard to prevent passage of fish into the pump intake. You must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm rated pump would require at least a one hundred square inch screen.

(j) You may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(k) You may not disturb existing habitat improvement structures or stream channel improvements.

(l) If at any time, as a result of project activities, you observe a fish kill or fish life in distress, you must immediately cease operations and notify the Washington department of fish and wildlife, and the Washington military department emergency management division, of the problem. You may not resume work until the Washington department of fish and wildlife gives approval. The Washington department of fish and wildlife may require additional measures to mitigate the prospecting impacts.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-201, filed 12/16/98, effective 1/16/99.]

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-202 (~~Use of Class 0 mineral prospecting equipment.~~) **Mineral prospecting with timing restrictions.** ((A copy of the current *Gold and Fish* pamphlet available from the department contains the rules which shall be followed when using Class 0 mineral prospecting equipment. A copy of the current *Gold and Fish* pamphlet shall be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no net loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class 0 mineral prospecting and placer mining projects:

(1) ~~The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-209 shall apply to all mineral prospecting and placer mining projects conducted with Class 0 equipment.~~

(2) ~~The use of a single hand-operated nonmotorized pan is authorized.~~

(3) ~~Collection and processing of aggregate shall be limited~~

~~to that portion of the bed above the wetted perimeter.))~~ You may mineral prospect only in the waters, during the times, and with the mineral prospecting equipment limitations identified in WAC 220-110-206. You must follow the rules listed below, and you must have the rules with you or on the job site.

(1) You may use only hand-held mineral prospecting tools and the following mineral prospecting equipment when mineral prospecting with timing restrictions:

(a) Pans;

(b) Spiral wheels;

(c) Sluices, concentrators, rocker boxes, and high-bankers with riffle areas totaling ten square feet or less, including ganged equipment;

(d) Suction dredges should have suction intake nozzles with inside diameters of five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the suction intake nozzle size. See Figure 1.



Figure 1: Dredge intake nozzle

(e) Power sluice/suction dredge combinations that have riffle areas totaling ten square feet or less, including ganged

equipment, suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle, and pump intake hoses with inside diameters of four inches or less. The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the suction intake nozzle size. See Figure 1.

(f) High-bankers and power sluices that have riffle areas totaling ten square feet or less, including ganged equipment, and pump intake hoses with inside diameters of four inches or less.

(2) The widest point of a sluice, including attachments, shall not exceed twenty-five percent of the wetted perimeter at the point of placement.

(3) The suction intake ~~hose—nozzle and hose diameter—~~of suction dredges and power sluice/suction dredge combinations must not exceed the diameters allowed in the listing for the stream or stream reach where you are operating, as identified in WAC 220-110-206.

(4) You may not use vehicle-mounted winches. You may use one motorized winch and one hand-operated winch to move boulders and large woody material that is not embedded, and additional cables, chains, or ropes to stabilize them.

(5) Equipment separation:

(a) You may use hand-held mineral prospecting tools; pans; spiral wheels; or sluices, mini rocker boxes, or mini high-

bankers with riffle areas totaling three square feet or less, including ganged equipment, as close to other mineral prospecting equipment as desired.

(b) When operating any sluice or rocker box with a riffle area exceeding three square feet (including ganged equipment), suction dredge, power sluice/suction dredge combination, high-banker, or power sluice within the wetted perimeter, you must be at least two hundred feet from all others also operating this type of equipment. This separation is measured as a radius from the equipment you are operating. You may locate this equipment closer than two hundred feet if only one piece of equipment is operating within that two hundred foot radius. See Figure 2.

(c) When operating any sluice or rocker box with a riffle area exceeding three square feet (including ganged equipment), suction dredge, power sluice/suction dredge combinations, high-banker, or power sluice outside of the wetted perimeter that discharges tailings or wastewater to the wetted perimeter you must be at least two hundred feet from all others also operating this type of equipment. This separation is measured as a radius from the equipment you are operating. You may locate this equipment closer than two hundred feet if only one piece of equipment is operating within that two hundred foot radius. See Figure 2.



(6) Under RCW 77.57.010 and 77.57.070, any device you use for pumping water from fish-bearing waters must be equipped with a fish guard to prevent passage of fish into the pump intake. You must screen the pump intake with material that has openings no larger than five sixty-fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter for round openings, and the screen must have at least one square inch of functional screen area for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm rated pump would require at least a one hundred square inch screen.

(7) All equipment fueling and servicing must be done so that petroleum products do not get into the body of water or frequent scour zone. If a petroleum sheen or spill is observed, you must contact the Washington military department emergency management division. You must immediately stop your activities, remove your equipment from the body of water, and correct the source of the petroleum leak. You may not return your equipment to the water until the problem is corrected. You must store fuel and lubricants outside the frequent scour zone, and in the shade when possible.

(8) You may work within the wetted perimeter or frequent scour zone only from one-half hour before official sunrise to one-half hour after official sunset. If your mineral prospecting equipment exceeds one-half the width of the wetted perimeter of the stream, you must remove the equipment from the wetted perimeter or move it so that a minimum of fifty percent of the wetted perimeter is free of equipment between one-half hour after official sunset to one-half hour prior to official sunrise.

(9) You may not excavate, collect, remove, or process aggregate within four hundred feet of any fishway, dam, or hatchery water intake.

(10) You must not disturb existing habitat improvement structures or stream channel improvements.

(11) You may not undermine, move, or disturb large woody material embedded in the slopes or located wholly or partially within the wetted perimeter. You may move large woody material and boulders located entirely within the frequent scour zone, but you must keep them within the frequent scour zone. You may not cut large woody material.

(12) You may not undermine, cut, or disturb live, rooted woody vegetation of any kind.

(13) Only one excavation site per individual is permitted. However, you may use a second excavation site as a settling pond. Multiple individuals may work within a single excavation site.

(14) You must fill all excavation sites and level all

tailing piles prior to working another excavation site or abandoning the excavation site.

(15) You may not excavate, collect, or remove aggregate from the toe of the slope. You also may not excavate, collect, or remove aggregate from **an unstable slope or any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone.** See Figures 3 and 4.

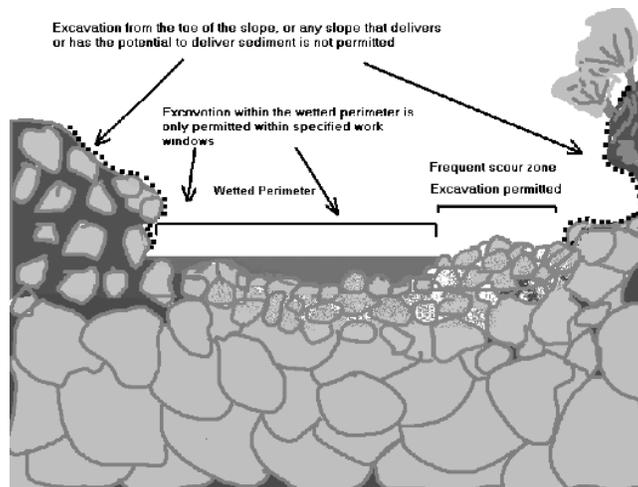


Figure 3: Cross section of a typical body of water showing unstable slopes, stable areas, and permissible or prohibited excavation sites under rules for mineral prospecting with timing restrictions. Dashed line indicates areas where excavation is not permitted.



(16) You may partially divert a body of water into mineral prospecting equipment. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter, including the width of the equipment. You may not divert the body of water outside of the wetted perimeter.

(17) You may use materials only from within the wetted perimeter, or artificial materials from outside the wetted perimeter, to construct the diversion structure by hand. You must remove artificial materials used in the construction of a diversion structure and restore the site to its approximate original condition prior to abandoning the site.

(18) You may process aggregate collected from the frequent scour zone:

(a) At any location if you use pans; spiral wheels; mini rocker boxes; mini high-bankers; or sluices or other

concentrators with riffle areas totaling three square feet or less, including ganged equipment.

(b) Only in the frequent scour zone or upland areas landward of the frequent scour zone if you use power sluice/suction dredge combinations, high-bankers, or power sluices with riffle areas totaling ten square feet or less, including ganged equipment; or sluices or rocker boxes that have riffle areas totaling more than three, but less than ten square feet, including ganged equipment. You may not discharge tailings to the wetted perimeter when using this equipment. However, you may discharge wastewater to the wetted perimeter provided its entry point into the wetted perimeter is at least two hundred feet from any other wastewater discharge entry point.

(19) You may process aggregate collected from upland areas landward of the frequent scour zone:

(a) At any location if you use pans; spiral wheels; or sluices, concentrators, mini rocker boxes, and mini high-bankers with riffle areas totaling three square feet or less, including ganged equipment. You must classify the aggregate at the excavation site prior to processing with this equipment within the wetted perimeter or frequent scour zone.

(b) Only at an upland location landward of the frequent scour zone if you use power sluice/suction dredge combinations; high-bankers; power sluices; or rocker boxes ~~that have riffle areas totaling more than three, but less than ten, square feet.~~ You may not allow tailings or wastewater to enter the wetted

perimeter or frequent scour zone.

(c) Within the wetted perimeter or frequent scour zone with a sluice with a riffle area greater than three square feet. You must classify the aggregate at the excavation site prior to processing with a sluice with a riffle area exceeding three square feet.

(20) You may use pressurized water only for crevicing or for redistributing dredge tailings within the wetted perimeter. No other pressurized water use is permitted.

(21) You may conduct crevicing in the wetted perimeter, in the frequent scour zone, or landward of the frequent scour zone. The hose connecting fittings of pressurized water tools used for crevicing may not have an inside diameter larger than three-quarters of an inch. If you crevice landward of the frequent scour zone, you may not discharge sediment or wastewater to the wetted perimeter or the frequent scour zone.

(22) You must avoid areas containing live freshwater mussels. If you encounter live mussels during excavation, you must relocate your operations.

(23) You may not disturb redds. If you observe or encounter redds, or actively spawning fish when collecting or processing aggregate, you must relocate your operations.

(24) If at any time, as a result of project activities, you observe a fish kill or fish life in distress, you must immediately cease operations and notify the Washington department of fish and wildlife, and the Washington military department emergency management division of the problem. You

may not resume work until the Washington department of fish and wildlife gives approval. The Washington department of fish and wildlife may require additional measures to mitigate the prospecting impacts.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-202, filed 12/16/98, effective 1/16/99.]

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

WAC 220-110-340 Informal appeal of adverse administrative decisions. It is recommended that an aggrieved party contact the local habitat biologist responsible for ~~((the hydraulic permit decision of concern))~~ granting or denying the HPA prior to initiating an informal or formal appeal. Discussion of concerns with the habitat biologist often results in resolution of the problem without the need for an informal or formal appeal. The habitat biologist may request review of your concerns by his or her supervisor.

All parties are encouraged to take advantage of ~~((this))~~ the informal appeal process prior to initiating a formal appeal. However, ~~((this))~~ the informal appeal process is not mandatory, and a person may proceed directly to a formal appeal.

(1) The following procedures shall govern informal appeals

of department actions taken (~~(pursuant to)~~) under RCW (~~(75.20.100, 75.20.103, 75.20.106, and 75.20.160)~~) 77.55.021, 77.55.141, 77.55.151, 77.55.161(2), 77.55.181, and 77.55.291. This rule does not apply to the department's decisions regarding whether hydraulic projects qualify for processing under RCW 77.55.181, governing certain fish habitat enhancement projects. This rule also does not apply to any provisions or conditions in pamphlet(~~(s)~~) HPA or supplemental approvals as defined in WAC 220-110-020 (~~((44))~~) (53)(c) and (96). A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual, written HPA. A person who is aggrieved or adversely affected by the following department actions may request an informal (~~(review)~~) appeal:

(a) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA; or

(b) An order imposing civil penalties.

(2) A request for an informal (~~(review)~~) appeal shall be in writing and shall be received by the department within thirty days of the denial or issuance of an HPA or receipt of an order imposing civil penalties. The thirty-day time requirement may be stayed by the department if negotiations are occurring between the aggrieved party and the habitat biologist and/or their supervisor. Requests for informal (~~(review)~~) appeal shall be mailed to HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat (~~(and Lands Services)~~) Program, 600 Capitol Way, N., Olympia, Washington 98501-1091, or hand-delivered to 1111 Washington Street, S.E., Habitat (~~(and Lands Services)~~)

Program, Fifth floor.

(3) The written request for an informal appeal shall be plainly labeled as "Request for Informal Appeal" and shall contain the following:

(a) The name, address, e-mail address (if available), and phone number of the person requesting the appeal;

(b) The specific agency action that the person contests, such as denial of an HPA, a particular condition in an HPA, or an order imposing civil penalties;

(c) Whether the person is the permittee, HPA applicant, landowner, resident, or other basis for the person's interest in the agency action in question;

(d) The date of denial, issuance, or condition of an HPA, or date the department issued the notice of civil penalty;

(e) Specific relief requested; and

(f) The attorney's name, address, e-mail address (if available) and phone number, if the person is represented by legal counsel.

(4) Upon receipt of a written request for informal (~~agency review~~) appeal, the department shall initiate a review of the agency decision. (~~This review~~) If agreed to by the appellant, and the appellant applied for the HPA, resolution of the appeal may be facilitated through an informal conference. The informal conference is a discussion between the appellant and the area habitat biologist mediated by the biologist's supervisor. The time period for the department to issue a decision on an informal appeal is suspended during the informal conference

process. If resolution is not reached through the informal conference, the appellant is not the person who applied for the HPA, or the appeal involves an order imposing civil penalties, an informal appeal hearing shall be conducted by the ((regulatory services division manager or the division manager's)) HPA appeals coordinator or designee. Upon completion of the ((comprehensive review)) informal appeal hearing, the ((division manager)) HPA appeals coordinator, or designee shall recommend a decision to the director or the director's designee. This recommended decision shall be approved or disapproved by the director or the director's designee within sixty days of the date the informal appeal was received by the department, unless an extension of time is agreed to by the appellant. The department shall notify the appellant in writing of the decision of the director or the director's designee.

((4)) (5) If, following this informal ((agency review)) appeal process, the appellant still wishes to contest the agency action, a formal appeal may be initiated ((pursuant to)) under WAC 220-110-350. Formal review must be requested within the time periods specified in WAC 220-110-350.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-340, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-340, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-340, filed 7/20/87.

Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100.
84-04-047 (Order 84-04), § 220-110-340, filed 1/30/84.
Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019
(Order 83-25), § 220-110-340, filed 4/13/83.]

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98,
effective 1/16/99)

WAC 220-110-350 Formal appeal of administrative decisions.

(1) The following procedures shall govern formal appeals of department actions taken ~~((pursuant to))~~ under RCW ~~((75.20.100 or 75.20.106))~~ 77.55.021, except as indicated in RCW 77.55.301(5)(a), 77.55.151, 77.55.161(2), or 77.55.291. Subsection (2) of this section addresses appeals before the hydraulic appeals board. This rule does not apply to any provisions or conditions in pamphlets, or supplemental approvals as defined in WAC 220-110-020 ~~((44))~~ (53)(c) and (96). A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual, written HPA. ~~((This rule does not apply to an appeal in which a person contests the denial, conditioning or issuance of an HPA issued pursuant to RCW 75.20.103 or 75.20.160, which shall be heard by the hydraulic appeals board.))~~

(a) A person who is aggrieved or adversely affected by the following department actions may request a formal appeal:

~~((a))~~ (i) The denial or issuance of an HPA, or the

conditions or provisions made part of an HPA;

~~((b))~~ (ii) An order imposing civil penalties; or

~~((e))~~ (iii) Any other ~~((=))~~agency action~~((=))~~ by the department's habitat program for which an adjudicative proceeding is required under the Administrative Procedure Act, chapter 34.05 RCW.

~~((2))~~ (b) As required by the Administrative Procedure Act, the department shall inform the permittee, HPA applicant or person subject to civil penalty ~~((e))~~ order of the department, of the opportunity for appeal, the time within which to file a written request for an appeal, and the place to file it.

~~((3))~~ (c) A request for an appeal shall be in writing and shall be received during office hours by the department within thirty days of the agency action that is being challenged. Requests for appeal shall be mailed to HPA Appeals Coordinator, Department of Fish and Wildlife, Habitat ~~((and Lands Services))~~ Program, 600 Capitol Way, N., Olympia, Washington 98501-1091, or hand-delivered to 1111 Washington Street S.E., Habitat ~~((and Lands Services))~~ Program, Fifth floor. If there is no timely request for an appeal, the agency action shall be final and unappealable.

~~((4))~~ (d) The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within thirty days of the date of the department's written decision in response to the informal appeal.

~~((5))~~ (e) The written request for an appeal shall be plainly labeled as "Request for Formal Appeal" and shall contain the following:

~~((a))~~ (i) The name, address, e-mail address (if available) and phone number of the person requesting the appeal;

~~((b))~~ (ii) The specific agency action that the person contests(~~(; for example)~~), such as denial of an HPA, a particular condition in an HPA, an order imposing civil penalties, etc.;

~~((c))~~ (iii) Whether the person is the permittee, HPA applicant, landowner, resident, or other basis for the person's interest in the agency action in question;

~~((d))~~ (iv) The date of denial, issuance, or condition of an HPA, if the person is contesting denial, issuance, or conditioning of an HPA;

~~((e))~~ (v) Specific relief requested; and

~~((f))~~ (vi) The attorney's name, address, e-mail address (if available) and phone number, if the person is represented by legal counsel.

~~((6))~~ (f) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order (~~(pursuant to)~~) under RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464.

~~((7))~~ (g) All hearings conducted by the director, the

director's designee, or an ALJ (~~(pursuant to)~~) under subsection (6) of this section, shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

(2) The hydraulic appeals board hears appeals of the following permits:

(a) Under RCW 77.55.021 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020;

(b) Under RCW 77.55.241 for off-site mitigation proposals;

(c) Under RCW 77.55.141 for single family marine bulkheads or rockwalls;

(d) Under RCW 77.55.181 for fish habitat enhancement project HPA conditions or denials.

The appeal procedures for the board are found in WAC 259-04-060 and chapter 371-08 WAC.

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-350, filed 12/16/98, effective 1/16/99. Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-350, filed 11/14/94, effective 12/15/94; 87-15-086 (Order 87-48), § 220-110-350, filed 7/20/87. Statutory Authority: RCW 75.08.012, 75.08.080 and 75.20.100. 84-04-047 (Order 84-04), § 220-110-350, filed 1/30/84. Statutory Authority: RCW 75.20.100 and 75.08.080. 83-09-019 (Order 83-25), § 220-110-350, filed 4/13/83.]

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

WAC 220-110-360 Penalties. (1) (~~Any person that commences any activity subject to RCW 75.20.100, 75.20.103, or 75.20.160~~) Under RCW 77.15.300, it is a gross misdemeanor to construct any form of hydraulic project or perform other work on a hydraulic project without having first obtained an HPA from the department, or (~~any person that fails to comply with any of the requirements or provisions of an HPA, is guilty of a gross misdemeanor~~), violate any requirements or conditions of the HPA for such construction or work.

(2) The department may impose a civil penalty of up to one hundred dollars per day for a violation (~~or continuing violation~~) of (~~RCW 75.20.100 or 75.20.103, or any provision or condition of an HPA~~) any provisions of RCW 77.55.021. The department shall impose the civil penalty with an order in writing delivered by certified mail or personal service to the person who is penalized. The notice shall describe the violation, identify the amount of the penalty, identify how to pay the penalty, and identify informal (~~or~~) and formal appeal rights for the person penalized. If the violation is an ongoing violation, the penalty shall accrue for each additional day of violation. For ongoing violations, the civil penalty may continue to accrue during any appeal process unless the accrual

is stayed in writing by the department.

(3) If not timely appealed under WAC 220-110-340 or 220-110-350, the civil penalty order is final and unappealable. If appealed, the civil penalty becomes final upon issuance of a final order not subject to any further administrative appeal. When a civil penalty order becomes final, it is due and payable. If the civil penalty is not paid within thirty days after it becomes due and payable, the department may seek enforcement of the order (~~(pursuant to)~~) under RCW (~~(75.20.106)~~) 77.55.291 and 34.05.578.

[Statutory Authority: RCW 75.08.080. 94-23-058 (Order 94-160), § 220-110-360, filed 11/14/94, effective 12/15/94.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-110-203	Use of Class I mineral prospecting equipment.
WAC 220-110-204	Use of Class II mineral prospecting equipment.
WAC 220-110-205	Use of Class III mineral prospecting equipment.
WAC 220-110-207	Authorized work times and watercourses for mineral

prospecting and placer mining projects in the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment.

WAC 220-110-208

Authorized work times and watercourses for mineral prospecting and placer mining projects using Class III equipment only.

WAC 220-110-209

Authorized work times and watercourses for mineral prospecting and placer mining projects using Class 0 equipment only.

AMENDATORY SECTION (Amending Order 98-252, filed 12/16/98, effective 1/16/99)

**WAC 220-110-206 Authorized work times and ~~((watercourses))~~
mineral prospecting equipment restrictions by specific state
waters for mineral prospecting and placer mining projects ~~((by
specific watercourse, except the Columbia and Snake rivers,
lakes, salt waters and waters within National Park boundaries
using Class I and II equipment))~~. Mineral prospecting and
placer mining ~~((using Class I and II equipment pursuant to WAC
220-110-203 and 220-110-204))~~ under WAC 220-110-202 shall only
occur in ~~((watercourses))~~ the state waters, with the equipment
restrictions, and during the times specified in the following
table~~((+))~~.**

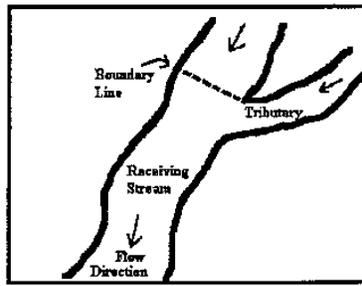
(1) The general work time for a county applies to all
~~((streams))~~ state waters within that county, unless otherwise
indicated ~~((under specific stream and tributary work times))~~ in
the table.

(2) The work time for a listed ~~((stream))~~ state water
applies to all its tributaries, unless otherwise indicated.
Some ~~((streams flow through))~~ state waters occur in multiple
counties. Check the listing for the county in which mineral
prospecting or placer mining is to be conducted to determine the
work time for that ~~((stream))~~ state water.

(3) Where a tributary is listed as a boundary, that

boundary shall be the line perpendicular to the receiving stream that is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. ((+))See Figure 1((+)).

((Figure 1. Stream boundary line))
((STRICKEN GRAPHIC



STRICKEN GRAPHIC))



(4) Mineral prospecting and placer mining within ((two hundred feet landward of the ordinary high water line in)) state waters listed as "submit application" ((or "closed" is)) are not

authorized under the *Gold and Fish* pamphlet. ~~Site review and a~~
written HPA ((is)) ~~are-is~~ required for these state waters.

(5) Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be four inches or less, but shall be no greater than four and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle is authorized only in the listed state waters, and any tributaries to them, unless otherwise indicated in the table. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

(6) Mineral prospecting using mineral prospecting equipment that has suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle is authorized only in the listed state waters in the following table. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size. You may use only mineral prospecting equipment with suction intake nozzle inside diameters of four and one-quarter inches or less in tributaries of these state waters. The inside diameter of the dredge hose attached to the nozzle may be no greater than one inch larger than the nozzle size.

~~((AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING AND PLACER MINING USING~~

~~CLASS I AND II EQUIPMENT~~

~~((SPECIFIC STREAM & TRIBUTARY WORK TIMES~~

~~10/6/08~~9/27/08 10:15 AM1:57 PM [3]

OTS-1252.2

COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
Adams	July 1—October 31	Esquatzel Creek	July 1—September 30
		Palouse River	June 15—October 15
Asotin	July 1—October 31	Asotin Creek	July 15—August 15
		Grande Ronde River	July 15—August 15
Benton	June 1—September 30	Yakima River tributaries	July 1—September 30
		—Corral Creek	July 15—September 30
		—Spring Creek	July 15—September 30
Chelan	July 1—August 15	Beaver Creek	July 1—October 31
		Colockum Creek	July 1—October 31
		Peshastin Creek	
		—mouth to Negro Creek	July 1—August 15
		—above Negro Creek	July 1—October 31
		Squilehuck Creek	July 1—October 31
		Stemilt Creek	
		—mouth to falls	July 1—October 31
		Wenatchee River	
—mouth to lake	July 1—September 30		
Clallam	July 15—September 30	Bogachiel River	July 15—August 15
		Calawah River	July 15—August 15
		Clallum River	July 15—September 15
		Dungeness River	submit application
		Elwha	
		—mouth to lower dam	July 1—August 15
		Hoko River	July 15—September 15
		Jimmycomelately Creek	submit application
		Lyre River	July 15—September 15
		McDonald Creek	July 1—August 15
		Morse Creek	July 1—August 15
Pysht River	July 15—September 15		
Sekiu River	July 15—September 15		
Sol Duc River	July 15—August 15		

		Sooes River	July 15—September 15
Clark	July 1—September 30	Lewis River	
		—mouth to forks	June 1—October 31
		—East Fork Lewis River	
		—mouth to LaCenter road bridge	July 1—October 31
		—above LaCenter & all tributaries	submit application
		—North Fork Lewis River	
		—mouth to Merwin Dam	August 1—August 31
		—Cedar Creek	August 1—September 30
		—Merwin Dam to Swift Dam	July 1—July 31
		Lake River	June 1—October 31
		Washougal River	August 1—August 31
Columbia	July 15—October 31	Tucannon River	July 15—August 15
		Touchet River	July 15—August 15
Cowlitz	July 1—September 30	Cowlitz River	August 1—August 31
		—Coweeman River	August 1—September 30
		—Toutle River	submit application
		Kalama River	August 1—August 31
		Lewis River	
		—mouth to forks	June 1—October 31
		—North Fork Lewis River	
		—mouth to Merwin Dam	August 1—August 31
		—Merwin Dam to Lower Falls	July 1—July 31
		—above Lower Falls	July 1—October 31
Douglas	July 1—October 31	None	
Ferry	July 1—August 31	None	
Franklin	June 1—September 30	Palouse River	
		—above falls	June 15—October 15
Garfield	July 15—October 31	Asotin Creek	July 15—August 15
		Tucannon River	July 15—August 15
Grant	July 1—October 31	None	

Grays Harbor	July 15—October 31	Cedar Creek	July 15—September 30
		Chehalis River	
		—mouth to Porter Creek	June 1—October 31
		—above Porter Creek	July 15—September 30
		Cloquallum River	July 15—September 30
		Copalis River	July 15—October 15
		Elk River	July 15—September 30
		Hoquiam River	July 15—October 15
		Humptulips River	July 15—October 15
		Johns River	July 15—September 30
		Moelips River	July 15—October 15
		North River	July 15—September 15
		Porter Creek	July 15—September 30
		Quinault River	July 15—August 31
		Satsop River	July 15—August 31
		Wishkah River	July 15—October 15
Wynoochee River	July 15—October 15		
Island	June 15—September 15	None	
Jefferson	July 15—October 31	Big Quilcene River	July 15—August 31
		Bogachiel River	July 15—August 15
		Chimacum Creek	July 15—August 31
		Clearwater River	July 15—September 15
		Donovan Creek	July 15—September 30
		Dosewallips River	July 15—August 31
		Duckabush River	July 15—August 31
		Dungeness River tributaries	submit application
		Hoh River	July 15—August 15
		Little Quilcene River	July 15—August 31
		Matheny Creek	July 15—September 15
		Queets River	July 15—September 15
		Quinault River	July 15—August 15
Salmon Creek	submit application		

		Sams River	July 15—September 15
		Snow Creek	submit application
King	July 1—September 30	Green River (Duwamish)	August 1—August 31
		Greenwater River	July 15—August 31
		Lake Washington tributaries including Cedar and Sammamish rivers	July 1—August 31
		—Issaquah Creek	June 15—July 31
		Snoqualmie River	
		—mouth to Snoqualmie Falls	July 1—September 15
		—Snoqualmie Falls to mouth of South Fork Snoqualmie River	June 15—October 31
		—North, Middle and South Fork Snoqualmie rivers and tributaries	July 15—October 31
		—Tolt River	
		—mouth to forks	July 15—October 31
		—North Fork	
		—mouth to Yellow Creek	July 15—September 15
		—above Yellow Creek	July 15—October 31
		—mouth to dam	July 15—September 15
		—above dam	July 15—October 31
		White River	July 15—August 31
Kittitas	June 1—September 30	Colocekum Creek	July 1—October 31
		Yakima River	
		—above Roza Dam	submit application
		—Gold Creek (Lake Keechelus)	July 1—July 31
		—Kachess River	
		—above Lake Kachess	July 1—July 31
		—Box Canyon Creek (Lake Kachess)	July 1—July 31
		—Little Naches River	July 15—August 15
		—Wenas Creek	August 1—October 31

		—other Yakima River tributaries	July 15—August 31
Kitsap	July 15—October 31	Seabeck Creek	July 15—August 31
		Gorst Creek	July 15—August 31
Klickitat	July 1—September 30	Klickitat River	July 1—August 15
		White Salmon River	July 1—August 15
Lewis	July 1—September 30	Chehalis River	
		—upstream of South Fork	
		Chehalis River confluence	July 1—August 31
		Cispus River	
		—mouth to Walupt Creek	August 1—August 31
		—above Walupt Creek	submit application
		—McCoy Creek	August 1—September 30
		Connelly Creek	August 1—September 30
		Cowlitz River	August 1—August 31
		Newaukum River	July 1—August 31
		Nisqually River	
		—above Alder Lake	July 1—September 30
		Skookumchuck River	July 1—August 31
		Tilton River	August 1—September 30
		Toutle River	
—tributaries	submit application		
Walupt Creek	submit application		
Packwood Lake tributaries	submit application		
Lincoln	June 15—October 15	None	
Mason	July 15—October 31	Cloquallum Creek	July 15—September 30
		Coulter Creek	July 15—September 15
		Hamma Hamma River	
		—mouth to falls	July 15—August 31
		—John Creek	July 15—August 31
		Johns Creek	July 15—August 31
		Lilliwaup River	
—below falls	July 15—August 31		

		—above falls	July 1—October 31
		Mill Creek	July 15—October 15
		Satsop River	July 15—August 31
		Schaerer Creek	July 15—August 31
		Sherwood Creek	July 15—September 15
		Skokomish River	July 15—September 15
		Tahuya River	July 15—September 15
		Twanoh Creek	June 1—October 31
		Union River	June 1—September 15
Okanogan	July 1—August 15	Aneas Creek	
		—mouth to falls	July 1—October 31
		Chewiliken Creek	
		—mouth to falls	July 1—October 31
		Chilwist Creek	
		—mouth to falls	July 1—October 31
		Methow River	
		—mouth to Carleton	July 1—September 30
		Mosquito Creek	July 1—October 31
		Nine Mile Creek	July 1—October 31
		Omak Creek	
		—mouth to falls	July 1—October 31
		Similkameen River	
		—mainstem	July 1—September 30
		—all Similkameen River tributaries	July 1—August 15
		Tunk Creek	
		—mouth to falls	July 1—October 31
Pacific	July 15—September 30	Chehalis River	July 1—August 31
		Chinook River	August 1—August 31
		Grays River	August 1—September 30
		North River	July 15—September 15
Pend Oreille	July 1—August 31	Big Muddy Creek	June 1—August 31
		Bracket Creek	June 1—August 31

		Calispel Creek	
		—mouth to Calispel Lake	June 1—August 31
		Exposure Creek	June 1—August 31
		Kent Creek	June 1—August 31
		Lime Creek	June 1—August 31
		Little Spokane River	June 15—August 31
		Lodge Creek	June 1—August 31
		Marshall Creek	June 1—August 31
		Pee-Wee Creek	
		—above falls	June 1—October 31
		Renshaw Creek	June 1—August 31
Pierce	July 15—August 31	Nisqually River	
		—mouth to Alder Lake	July 1—August 31
		—tributaries below Alder Lake	submit application
		—above Alder Lake & tributaries	July 15—September 15
		Carbon River	July 15—August 31
		—South Prairie Creek	
		—mouth to Forest Service road #7710	July 15—September 15
		—above Forest Service road #7710	July 1—October 31
		—Voights Creek	
		—mouth to falls	July 15—September 15
		—above falls	July 15—October 31
		—Wilkeson Creek	
		—mouth to Snell Lake	July 1—September 30
		—above Snell Lake	July 1—October 31
		Rocky Creek	July 15—September 30
San Juan	June 1—August 31	None	
Skagit	July 1—September 30	Baker River	
		—mouth to dam	June 15—August 31
		Cascade River	June 15—July 15
		Hlabot Creek	June 15—July 31
		Samish River	submit application

		Skagit River	
		—mouth to Sauk River	June 15—August 31
		—above Sauk River	June 15—July 31
		—Sauk River	July 15—August 15
		—Suiattle River	July 15—August 15
		Nooksack River	submit application
Skamania	July 1—September 30	Cispus River	August 1—August 31
		Lewis River	
		—East Fork Lewis River	submit application
		—North Fork Lewis River	
		—Cougar Creek	June 1—July 31
		—Merwin Dam to Lower Falls & tributaries	July 1—July 31
		—above Lower Falls	July 1—October 31
		Little White Salmon River	July 1—August 31
		McCoy Creek	August 1—September 30
		Washougal River	August 1—August 31
		White Salmon River	July 1—August 31
		Wind River	August 1—August 15
Snohomish	July 1—September 30	Lake Washington tributaries	July 1—August 31
		Sauk River	July 15—August 15
		—Suiattle River	July 15—August 15
		Snohomish River	
		—mouth to Highway 9	June 1—October 31
		—above Highway 9	July 1—August 31
		—Pilchuck River	July 1—August 31
		—mouth to city of Snohomish diversions dam	July 1—August 31
		—above city of Snohomish diversion dam	July 1—September 15
		—Skykomish River	
		—mouth to forks	July 1—August 31
		—North Fork Skykomish River	
		—mouth to San Juan campground	July 1—August 31
		—San Juan campground to Deer Falls	submit application

—above Deer Falls	July 15—October 31
—Salmon Creek	submit application
—South Fork Skykomish River	
—mouth to Sunset Falls	July 1—August 31
—Sunset Falls to Alpine Falls	July 1—September 15
—above Alpine Falls	July 15—October 31
—Beckler River	
—mouth to Boulder Creek	July 1—September 15
—above Boulder Creek	July 15—October 31
—Rapid River	
—mouth to Meadow Creek	July 15—September 15
—above Meadow Creek	July 15—October 31
—Foss River	
—mouth to forks	July 15—September 15
—East Fork Foss River	submit application
—West Fork Foss River	July 15—October 31
—Miller River	
—mouth to forks	July 1—September 15
—above forks	July 1—October 31
—Olney Creek	
—mouth to Olney Falls	July 1—September 15
—above Olney Falls	July 1—October 31
—Sultan River	
—mouth to old diversion dam	July 1—August 31
—old diversion dam to Culmback Dam	July 1—October 31
—tributaries above Culmback Dam	August 1—October 31
—Wallace River	
—mouth to Wallace Falls	July 1—September 1
—above Wallace Falls	July 1—October 31
—Snoqualmie River	July 1—August 31
—all other Snohomish River tributaries	July 1—August 31
Stillaguamish River	

		—mouth to forks	July 1—August 31
		—North and South Fork Stillaguamish Rivers	July 1—August 15
		—Deer Creek	submit application
		—Canyon Creek	submit application
Spokane	June 15—August 31	Latah Creek	
		—mainstem	June 15—October 31
		—all Latah Creek tributaries	June 15—August 31
Stevens	July 1—August 31	Big Sheep Creek	
		—mouth to Sheep Creek Falls	submit application
		—above Sheep Creek Falls	July 1—August 31
Thurston	July 15—September 15	Cedar Creek	July 15—September 30
		Little Deschutes River	July 15—October 31
		McLane Creek	July 15—October 31
		Nisqually River	
		—mainstem	July 1—August 31
		—all Nisqually River tributaries	submit application
		Porter Creek	July 15—September 30
		Schneider Creek	July 1—October 31
		Skookumchuck River	July 1—August 31
		Woodard Creek	July 1—October 31
		Woodland Creek	July 1—October 31
Wahkiakum	July 15—September 15	Elochoman River	August 1—September 30
		Grays River	August 1—September 30
		Naselle River	July 15—September 30
Walla Walla	July 15—October 31	Touchet River	July 15—August 15
		Walla Walla River	July 15—August 15
Whatcom	July 1—September 30	Baker River	submit application
		Nooksack River	
		—above forks	submit application
		—all Nooksack River tributaries	submit application
		Ross Lake tributaries	submit application
		Samish River	submit application

		Skagit River	June 15—July 31
Whitman	June 15—October 15	Palouse River	
		—mouth to falls	June 1—September 30
Yakima	June 1—September 30	Klickitat River	July 1—August 15
		Yakima River	
		—mouth to Roza Dam	June 1—September 15
		—Naches River	
		—mouth to Tieton River	June 1—October 31
		—above confluence of Tieton River	June 1—August 15
		—Indian Creek (Rimrock Lake)	July 1—July 31
		—Tieton River	June 1—August 15
		—Little Naches River	July 15—August 15
		—Bumping River	July 15—August 15
		—American River	submit application
		—Rattlesnake Creek	July 15—August 15
		—Wenas Creek	August 1—October 31
		—all other Yakima River tributaries	July 15—August 31))

AUTHORIZED WORK TIMES AND MINERAL PROSPECTING EQUIPMENT RESTRICTIONS BY SPECIFIC STATE WATERS FOR MINERAL PROSPECTING AND PLACER MINING PROJECTS

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>Adams County</u>	<u>July 1 - October 31</u>	<u>X</u>	=
<u>Crab Creek (41.0002)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Esquatzel Creek (36.MISC)</u>	<u>June 1 - February 28</u>	<u>X</u>	<u>X</u>
<u>Palouse River (34.0003)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Asotin County</u>	<u>July 16 - September 15</u>	<u>X</u>	=

<u>Snake River (35.0002)</u>	<u>See below</u>	=	=
<u>Alpowa Creek (35.1440)</u>	<u>July 16 - December 15</u>	X	=
<u>Asotin Creek (35.1716)</u>	<u>July 16 - August 15</u>	X	=
<u>Couse Creek (35.2147)</u>	<u>July 16 - December 15</u>	X	=
<u>Grande Ronde River (35.2192)</u>	<u>July 16 - September 15</u>	X	X
<u>Tenmile Creek (35.2100)</u>	<u>July 16 - December 15</u>	X	=
<u>Benton County</u>	<u>June 1 - September 30</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Glade Creek (31.0851)</u>	<u>August 1 - September 30</u>	X	=
<u>Yakima River (37.0002)</u>	<u>June 1 - September 15</u>	X	X
<u>Amon Creek (37.0009)</u>	<u>June 1 - September 30</u>	X	=
<u>Corral Creek (37.0002)</u>	<u>June 1 - September 30</u>	X	=
<u>Spring Creek (37.0205)</u>	<u>June 1 - September 30</u>	X	=
<u>Chelan County</u>	<u>July 16 - August 15</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Antoine Creek (49.0294) - Mouth to falls at river mile 1.0</u>	<u>July 1 - February 28</u>	X	=
<u>Antoine Creek (49.0294) - Upstream of falls at river mile 1.0</u>	<u>July 1 - March 31</u>	X	=
<u>Chelan River (47.0052) - Mouth to Chelan Dam</u>	<u>July 16 - September 30</u>	X	X
<u>Colockum Creek (40.0760)</u>	<u>July 1 - October 31</u>	X	=
<u>Entiat River (46.0042) - Mouth to Entiat Falls</u>	<u>July 16 - July 31</u>	X	X
<u>Entiat River (46.0042) - Upstream of Entiat Falls</u>	<u>July 16 - March 31</u>	X	=
<u>Crum Canyon (46.0107)</u>	<u>July 16 - March 31</u>	X	=
<u>Mad River (46.0125)</u>	<u>July 16 - July 31</u>	X	=
<u>Indian Creek (46.0128)</u>	<u>July 16 - February 28</u>	X	=
<u>Lake Chelan (47.0052)</u>	<u>Submit Application</u>	=	=
<u>Railroad Creek (47.0410)</u>	<u>July 16 - September 30</u>	X	=
<u>Stehekin River (47.0508)</u>	<u>Submit Application</u>	=	=
<u>Twenty-five Mile Creek (47.0195)</u>	<u>July 16 - September 30</u>	X	=

<u>Other Lake Chelan tributaries outside of North Cascades National Park</u>	<u>July 1 - August 15</u>	<u>X</u>	<u>=</u>
<u>Other Lake Chelan tributaries within North Cascades National Park</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Number 1 Canyon (45.0011)</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Number 2 Canyon (45.0012)</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Squilchuck Creek (40.0836) - Mouth to South Wenatchee Avenue</u>	<u>July 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Squilchuck Creek (40.0836) - Upstream of South Wenatchee Avenue</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Stemilt Creek (40.0808) - Mouth to falls</u>	<u>July 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Stemilt Creek (40.0808) - Upstream of falls</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Wenatchee River (45.0030) - Mouth to Lake Wenatchee</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>Beaver Creek (45.0751)</u>	<u>July 1 - September 30</u>	<u>X</u>	<u>=</u>
<u>Chiwaukum Creek (45.0700)</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>=</u>
<u>Chiwawa River (45.0759) - Mouth to Phelps Creek</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>Chiwawa River (45.0759) - Upstream of Phelps Creek</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>=</u>
<u>Deep Creek (45.0764)</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Phelps Creek (45.0875)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Icicle Creek (45.0474) - Mouth to Johnny Creek</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>Icicle Creek (45.0474) - Upstream of Johnny Creek</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>=</u>
<u>Fourth of July Creek (45.0525)</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Lake Wenatchee (45.0030)</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>Little Wenatchee (45.0985) - Mouth to Wilderness Boundary</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>Little Wenatchee (45.0985) - Upstream of Wilderness Boundary</u>	<u>Submit Application</u>	<u>=</u>	<u>=</u>
<u>White River (45.1116) - Mouth to White River Falls</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>White River (45.1116) - Upstream of White River Falls</u>	<u>July 1 - February 28</u>	<u>X</u>	<u>=</u>
<u>Nason Creek (45.0888)</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>=</u>
<u>Peshastin Creek (45.0232) - Mouth to Negro Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>=</u>
<u>Peshastin Creek (45.0232) - Upstream of Negro Creek</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>=</u>

<u>Ingalls Creek (45.0273) - Mouth to Cascade Creek</u>	<u>Submit Application</u>	=	=
<u>Ingalls Creek (45.0273) - Upstream of Cascade Creek</u>	<u>July 16 - February 28</u>	X	=
<u>Negro Creek (45.0323) - Mouth to falls at stream mile 2.9</u>	<u>Submit Application</u>	=	=
<u>Negro Creek (45.0323) - Upstream of falls at stream mile 2.9</u>	<u>July 16 - February 28</u>	X	=
<u>Ruby Creek (45.0318)</u>	<u>July 16 - February 28</u>	X	=
<u>Tronson Creek (45.0346)</u>	<u>August 1 - February 28</u>	X	=
<u>Scotty Creek (45.0376)</u>	<u>August 1 - February 28</u>	X	=
<u>Shaser Creek (45.0365)</u>	<u>August 1 - February 28</u>	X	=
<u>Clallam County</u>	<u>July 16 - September 15</u>	X	=
<u>Clallam River (19.0129)</u>	<u>August 1 - August 15</u>	X	=
<u>Dungeness River (18.0018)</u>	<u>Submit Application</u>	=	=
<u>Independent Creek (18.MISC)</u>	<u>August 1 - August 31</u>	X	=
<u>Elwha River (18.0272)</u>	<u>August 1 - August 15</u>	X	X
<u>Hoko River (19.0148)</u>	<u>August 1 - September 15</u>	X	=
<u>Jimmycomelately Creek (17.0285)</u>	<u>August 1 - August 31</u>	X	=
<u>Lake Ozette (20.0046)</u>	<u>Submit Application</u>	=	=
<u>Little Quilcene River (17.0076)</u>	<u>July 16 - August 31</u>	X	=
<u>Lake Ozette tributaries</u>	<u>July 16 - September 15</u>	X	=
<u>Lyre River (19.0031)</u>	<u>August 1 - September 15</u>	X	=
<u>McDonald Creek (18.0160)</u>	<u>August 1 - September 15</u>	X	=
<u>Morse Creek (18.0185)</u>	<u>August 1 - August 15</u>	X	=
<u>Ozette River (20.0046)</u>	<u>July 16 - September 15</u>	X	=
<u>Pysht River (19.0113)</u>	<u>August 1 - September 15</u>	X	=
<u>Quillayute River (20.0096, 20.0162, 20.0175)</u>	<u>August 1 - August 15</u>	X	X
<u>Bogachiel River (20.0162)</u>	<u>Submit Application</u>	=	=
<u>Calawah River (20.0175)</u>	<u>August 1 - August 15</u>	X	X
<u>Salmon Creek (17.0245)</u>	<u>July 16 - August 31</u>	X	=
<u>Sekiu River (19.0203)</u>	<u>August 1 - September 15</u>	X	=

<u>Snow Creek (17.0219)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Sol Duc River (20.0096)</u>	<u>Submit Application</u>	=	=
<u>Lake Pleasant (20.0313)</u>	<u>Submit Application</u>	=	=
<u>Lake Pleasant tributaries</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Sooes River (20.0015)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Clark County</u>	<u>July 16 - September 30</u>	=	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Lacamas Creek (28.0160) - Mouth to dam</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Lacamas Creek (28.0160) - Upstream of dam</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Lewis River (27.0168)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>East Fork Lewis River (27.0173) - Mouth to Lucia Falls</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>X</u>
<u>East Fork Lewis River (27.0173) - Upstream of Sunset Falls</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Lake River (28.0020)</u>	<u>January 1 - December 31</u>	<u>X</u>	<u>X</u>
<u>Burnt Bridge Creek (28.0143)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Salmon Creek (28.0059)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Whipple Creek (28.0038)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Cedar Creek (27.0339)</u>	<u>August 1 - September 15</u>	<u>X</u>	=
<u>North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Canyon Creek (27.0442)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>North Fork Lewis River (27.0168) - Upstream of Lower Falls</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Washougal River (28.0159) - Mouth to Dougan Creek headwaters</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Washougal River (28.0159) - Upstream of Dougan Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Columbia County</u>	<u>July 16 - September 30</u>	<u>X</u>	=

<u>Touchet River (32.0097)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Grande Ronde River tributaries (35.2192)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>North Fork Touchet/Wolf Fork (32.0761)</u>	<u>Submit Application</u>	=	=
<u>South Fork Touchet (32.0708)</u>	<u>Submit Application</u>	=	=
<u>Tucannon River (35.0009)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Walla Walla River (32.0008) - Mouth to Oregon State line</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Mill Creek (32.1436) - Mouth to Oregon State line</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Cowlitz County</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Mouth to Fisk Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Upstream of Fisk Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Abernathy Creek (25.0297)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Burke Creek (27.0148)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Burris Creek (27.0151)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Bybee Creek (27.0142)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Canyon Creek (27.0147)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Coal Creek (25.0340)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Clark Creek (25.0371)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Cowlitz River (26.0002) - Mouth to barrier dam at river mile 49.5</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Coweeman River (26.0003) - Mouth to Baird Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Coweeman River (26.0003) - Upstream of Baird Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Cowlitz River (26.0002) - Tributaries below barrier dam to mouth</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Owl Creek (26.1441)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Toutle River (26.0227)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Toutle River (26.0314) - Mouth to Debris Dam</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>

<u>North Fork Toutle River (26.0314) - Upstream of Debris Dam</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Green River (26.0323) - Mouth to Shultz Creek</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Green River (26.0323) - Upstream of Shultz Creek</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>South Fork Toutle (26.0248) - Mouth to Bear Creek</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>South Fork Toutle (26.0248) - Upstream of Bear Creek</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Tributaries to Silver Lake</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Germany Creek (25.0313)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Kalama River (27.0002) - Mouth to Kalama Falls</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Kalama River (27.0002) - Upstream of Kalama Falls</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Lewis River (27.0168) - Mouth to East Fork Lewis River</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Mill Creek (25.0284)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Schoolhouse Creek (27.0139)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Douglas County</u>	<u>July 1 - September 30</u>	<u>X</u>	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Douglas Creek Canyon (44.0146)</u>	<u>May 16 - January 31</u>	<u>X</u>	=
<u>Foster Creek (50.0065)</u>	<u>August 1 - April 15</u>	<u>X</u>	=
<u>McCarteney Creek (44.0002)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Pine/Corbaley Canyon Creek (44.0779)</u>	<u>September 16 - April 15</u>	<u>X</u>	=
<u>Rock Island Creek (44.0630)</u>	<u>July 1 - September 30</u>	<u>X</u>	=
<u>Ferry County</u>	<u>July 1 - August 31</u>	<u>X</u>	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Kettle River (60.0002)</u>	<u>June 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Boulder Creek (60.0130) - Mouth to Hodgson Road Bridge</u>	<u>Submit Application</u>	=	=
<u>Boulder Creek (60.0130) - Upstream of Hodgson Road Bridge</u>	<u>June 16 - February 28</u>	<u>X</u>	=

<u>Deadman Creek (60.0008) - Mouth to SR395 Crossing</u>	<u>Submit Application</u>	=	=
<u>Deadman Creek (60.0008) - Upstream of SR395</u>	<u>June 16 - February 28</u>	X	=
<u>Goosmus Creek (60.0254)</u>	<u>June 16 - February 28</u>	X	=
<u>Toroda Creek (60.0410)</u>	<u>July 1 - September 30</u>	X	=
<u>San Poil River (52.0004)</u>	<u>June 16 - September 30</u>	X	X
<u>Granite Creek (52.0099) - Mouth to Powerhouse Dam</u>	<u>June 16 - September 30</u>	X	=
<u>Granite Creek (52.0099) - Upstream of Powerhouse Dam</u>	<u>June 16 - February 28</u>	X	=
<u>West Fork San Poil River (52.0192) - Mouth to Deep Creek</u>	<u>June 16 - September 30</u>	X	X
<u>West Fork San Poil River (52.0192) - Upstream of Deep Creek</u>	<u>June 16 - September 30</u>	X	=
<u>Gold Creek (52.0197)</u>	<u>June 16 - February 28</u>	X	=
<u>Franklin County</u>	<u>June 1 - September 30</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Snake River</u>	<u>See below</u>	=	=
<u>Palouse River (34.0003)</u>	<u>July 16 - February 28</u>	X	X
<u>North bank tributaries of the lower Snake River between Palouse River and the mouth of the Snake River</u>	<u>June 16 - October 31</u>	X	=
<u>Garfield County</u>	<u>July 16 - September 30</u>	X	=
<u>Snake River (35.0003)</u>	<u>See below</u>	=	=
<u>Alpowa Creek (35.1440)</u>	<u>July 16 - December 15</u>	X	=
<u>Asotin Creek (35.1716)</u>	<u>July 16 - August 15</u>	X	=
<u>Deadman Creek (35.0688)</u>	<u>July 16 - December 15</u>	X	=
<u>Grande Ronde River tributaries (35.2192)</u>	<u>July 16 - August 15</u>	X	=
<u>Meadow Creek (35.0689)</u>	<u>July 16 - December 15</u>	X	=
<u>Tucannon River (35.0009) - Mouth to Panjab Creek</u>	<u>July 16 - August 3115</u>	X	X
<u>Tucannon River (35.0009) - Upstream of Panjab Creek</u>	<u>July 16 - August 3115</u>	X	=
<u>Pataha Creek (35.0123) - Mouth to Pataha Creek</u>	<u>January 1 - December 31</u>	X	=
<u>Pataha Creek (35.0123) - Upstream of Pataha Creek</u>	<u>July 16 - December 31</u>	X	=
<u>Grant County</u>	<u>July 1 - October 31</u>	X	=

<u>Columbia River</u>	<u>See below</u>	=	=
<u>Crab Creek (41.0002)</u>	<u>July 16 - September 15</u>	X	X
<u>Grays Harbor County</u>	<u>July 16 - October 15</u>	X	=
<u>Chehalis River (22.0190/23.0190) - Mouth to Porter Creek</u>	<u>August 1 - August 31</u>	X	X
<u>Chehalis River (22.0190/23.0190) - Porter Creek to Fisk Falls</u>	<u>August 1 - August 15</u>	X	X
<u>Chehalis River (22.0190/23.0190) - Upstream of Fisk Falls</u>	<u>August 1 - August 15</u>	X	=
<u>Cedar Creek (23.0570)</u>	<u>August 1 - September 30</u>	X	=
<u>Cloquallum Creek (22.0501)</u>	<u>August 1 - September 30</u>	X	=
<u>Porter Creek (23.0543)</u>	<u>August 1 - September 30</u>	X	=
<u>Satsop River (22.0360)</u>	<u>August 1 - August 31</u>	X	X
<u>Wishkah River (22.0191)</u>	<u>August 1 - October 15</u>	X	X
<u>Wynoochee River (22.0260)</u>	<u>August 1 - September 30</u>	X	X
<u>Copalis River (21.0767)</u>	<u>August 1 - October 15</u>	X	X
<u>Elk River (22.1333)</u>	<u>July 1 - October 31</u>	X	X
<u>Hoquiam River (22.0137)</u>	<u>August 1 - October 15</u>	X	X
<u>Humtulpis River (22.0004) - Mouth to Forks</u>	<u>August 1 - September 30</u>	X	X
<u>Humtulpis River (22.0004) - Upstream of Forks</u>	<u>August 1 - September 30</u>	X	=
<u>Johns River (22.1270)</u>	<u>August 1 - September 30</u>	X	X
<u>Moclips River (21.0731)</u>	<u>August 1 - October 15</u>	X	X
<u>North River (24.0034)</u>	<u>August 1 - September 30</u>	X	X
<u>Queets River (21.0001)</u>	<u>August 1 - August 15</u>	X	X
<u>Quinault River (21.0398)</u>	<u>August 1 - August 15</u>	X	X
<u>Raft River (21.0337)</u>	<u>August 1 - October 15</u>	X	X
<u>Island County</u>	<u>June 16 - October 15</u>	X	=
<u>Cavalero Creek (06.0065)</u>	<u>June 16 - December 15</u>	X	=
<u>Chapman Creek (06.0070)</u>	<u>June 16 - December 15</u>	X	=
<u>Crescent Creek (06.0002)</u>	<u>June 16 - December 15</u>	X	=

<u>Cultus Creek (06.0026)</u>	<u>June 16 - March 15</u>	<u>X</u>	=
<u>Deer Creek (06.0024)</u>	<u>June 16 - March 15</u>	<u>X</u>	=
<u>Dugualla Creek (06.0001)</u>	<u>June 16 - March 15</u>	<u>X</u>	=
<u>Glendale Creek (06.0025)</u>	<u>June 16 - December 15</u>	<u>X</u>	=
<u>Kristoferson Creek (06.0062-06.0063)</u>	<u>May 1 - December 15</u>	<u>X</u>	=
<u>Maxwelton Creek (06.0029)</u>	<u>June 16 - December 15</u>	<u>X</u>	=
<u>North Bluff Creek (06.0006)</u>	<u>June 16 - March 15</u>	<u>X</u>	=
<u>Old Clinton Creek (06.0023)</u>	<u>June 16 - March 15</u>	<u>X</u>	=
<u>Jefferson County</u>	<u>July 16 - October 31</u>	<u>X</u>	=
<u>Big Quilcene River (17.0012) - Mouth to Falls</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Big Quilcene River (17.0012) - Falls to Forks</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>X</u>
<u>Big Quilcene River (17.0012) - Upstream of Forks</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Bogachiel River (20.0162)</u>	<u>Submit Application</u>	=	=
<u>Chimacum Creek (17.0203)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Donovan Creek (17.0115)</u>	<u>July 1 - October 15</u>	<u>X</u>	=
<u>Dosewallips River (16.0442)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Duckabush River (16.0351)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Dungeness River (18.0018)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Elwha River (18.0272)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Goodman Creek (20.0406)</u>	<u>August 1 - September 15</u>	<u>X</u>	=
<u>Hoh River (20.0422)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Little Quilcene River (17.0076)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Queets River (21.0001)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Matheny Creek (21.0165)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Sams River (21.0205)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Quinault River (21.0398)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Salmon Creek (17.0245)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Skokomish River (16.0001)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Snow Creek (17.0219)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Tarboo Creek (17.0129)</u>	<u>August 1 - September 30</u>	<u>X</u>	=

<u>Thorndyke Creek (17.0170)</u>	<u>August 1 - October 15</u>	<u>X</u>	=
<u>King County</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Cedar River (08.0299) - Mouth to Forks</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Cedar River (08.0299) - Upstream of Forks</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Issaquah Creek (08.0178)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Sammamish River (08.0057)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Steele Creek (08.0379)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Green River (Duwamish River) (09.0001) - Mouth to Sawmill Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Green River (Duwamish River) (09.0001) - Upstream of Sawmill Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Lake Washington tributaries (08.LKWA)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Snoqualmie River (07.0219) - Mouth to Snoqualmie Falls</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Snoqualmie River (07.0219) - Snoqualmie Falls to mouth of South Fork</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Patterson Creek (07.0376)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Middle Fork Snoqualmie River (07.0219) - Mouth to Taylor Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Middle Fork Snoqualmie River (07.0219) - Upstream of Taylor Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Goat Creek (07.0754)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>North Fork Snoqualmie River (07.0527) - Mouth to Lennox Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>North Fork Snoqualmie River (07.0527) - Upstream of Lennox Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Deep Creek (07.0562)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Illinois Creek (07.0624)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Lennox Creek (07.0596)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Bear Creek (07.0606)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Raging River (07.0384)</u>	<u>August 1 - September 15</u>	<u>X</u>	<u>X</u>
<u>South Fork Skykomish River (07.0012) - Mouth to Sunset Falls</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>

<u>South Fork Skykomish River (07.0012) - Upstream of Sunset Falls</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Beckler River (07.1413) - Mouth to Boulder Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Beckler River (07.1413) - Upstream of Boulder Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Rapid River (07.1461) - Mouth to Meadow Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Rapid River (07.1461) - Upstream of Meadow Creek</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Index Creek (07.1264) - Mouth to Mud Lake Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Index Creek (07.1264) - Upstream of Mud Lake Creek including Salmon Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Miller River (07.1329) - Mouth to Forks</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Miller River (07.1329) - Upstream of Forks</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Coney Creek (07.1347)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>East Fork Miller River (07.1329) - Mouth to Great Falls Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>East Fork Miller River (07.1329) - Upstream of Great Falls Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Foss River (07.1562) - Mouth to Forks</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>East Fork Foss River (07.1562) - Mouth to Burn Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>East Fork Foss River (07.1562) - Upstream of Burn Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>West Fork Foss River (07.1573) - Mouth to falls at River Mile 2.0</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>West Fork Foss River (07.1573) - Upstream of falls at River Mile 2.0</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>West Fork Miller River (07.1335)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Money Creek (07.1300) - Mouth to 0.5 mile upstream of Kimball Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Money Creek (07.1300) - Upstream of 0.5 mile upstream of Kimball Creek</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Kimball Creek (07.1301)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Tye River (07.0012) - Mouth to Alpine Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Tye River (07.0012) - Upstream of Alpine Falls</u>	<u>July 16 - February 28</u>	<u>X</u>	=

<u>South Fork Snoqualmie River (07.0467)</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Denny Creek (07.0517)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Tolt River (07.0291) - Mouth to forks</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>North Fork Tolt River (07.0291) - Mouth to Yellow Creek</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Tolt River (07.0291) - Upstream of Yellow Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>South Fork Tolt River (07.0302) - Mouth to dam</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>South Fork Tolt River (07.0302) - Upstream of Tolt Reservoir</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Yellow Creek (07.0337)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>White River (10.0031)</u>	<u>July 16 - August 31</u> <u>15</u>	<u>X</u>	<u>X</u>
<u>Greenwater River (10.0122)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Kittitas County</u>	<u>July 1 - September 30</u>	<u>X</u>	=
<u>Brushy Creek (40.0612)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Colockum Creek (40.0760)</u>	<u>July 1 - October 31</u>	<u>X</u>	=
<u>Quilomene Creek (40.0613)</u>	<u>July 1 - October 31</u>	<u>X</u>	=
<u>Stemilt Creek (40.0808) - Upstream of falls</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Tarpiscan Creek (40.0723)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Tekiason Creek (40.0686)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Whisky Dick Creek (40.0591)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Yakima River (39.0002) - Roza Dam to Teanaway River</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Naches River (38.0003) - Tieton River to Bumping River</u>	<u>July 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Little Naches River (38.0852) - Mouth to Matthew Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Little Naches River (38.0852) - Upstream of Matthew Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Pileup Creek (38.0932)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Gold Creek (38.MISC)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Swauk Creek (39.1157)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Baker Creek (39.1157)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>First Creek (39.1157)</u>	<u>July 16 - September 30</u>	<u>X</u>	=

<u>Iron Creek (39.1157)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Williams Creek (39.1157)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Boulder Creek (39.1157)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Cougar Gulch (39.1157)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Lion Gulch (39.1157)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Yakima River (39.0002) - Teanaway River to Easton Dam</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Yakima River (39.0002) - Upstream of Easton Dam</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Cle Elum River (39.1434) - Mouth to Dam</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Cle Elum River (39.1434) - Upstream of Cle Elum Dam</u>	July 1 - August 15 <u>Submit Application</u>	X	X
<u>Big Boulder Creek (39.1434MISC)</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Camp Creek (39.1434MISC)</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Fortune Creek (39.1434MISC)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>South Fork Fortune Creek (39.1434MISC)</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Howson Creek (39.1434)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Little Salmon Le Sac Creek (39.1482)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Paris Creek (39.1434MISC)</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Salmon Le Sac Creek (39.1520)</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Kachess River (39.1739) - Upstream of Lake Kachess</u>	<u>Submit Application</u>	=	=
<u>Kachess River (39.1739) - Below Dam</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Box Canyon Creek (39.1765)</u>	<u>Submit Application</u>	=	=
<u>Mineral Creek (39.1792)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Lake Keechelus (39.1842) tributaries</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Gold Creek (Lake Keechelus) (39.1842)</u>	<u>Submit Application</u>	=	=
<u>Manastash Creek (39.0988)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Naneum Creek (39.0821)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Taneum Creek (39.1081) - Mouth to I-90</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Taneum Creek (39.1157) - Upstream of I-90</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Teanaway River (39.1236)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>

<u>NF Teanaway River (39.1260)</u>	July 16 - August 15 <u>Submit Application</u>	X	=
<u>Umtanum Creek (39.0553)</u>	<u>July 16 - September 30</u>	X	=
<u>Wenas Creek, Below Dam (39.0032)</u>	<u>July 16 - October 15</u>	X	=
<u>Wenas Creek, Upstream of Wenas Lake (39.0032)</u>	<u>July 16 - February 28</u>	X	=
<u>Other Yakima River tributaries not listed</u>	<u>July 16 - August 31</u>	X	=
<u>Kitsap County</u>	<u>July 16 - October 15</u>	X	=
<u>Anderson Creek (15.0211)</u>	<u>August 1 - November 15</u>	X	=
<u>Barker Creek (15.0255)</u>	<u>August 1 - September 30</u>	X	=
<u>Big Beef Creek (15.0389)</u>	<u>August 1 - August 15</u>	X	=
<u>Big Scandia Creek (15.0280)</u>	<u>August 1 - September 30</u>	X	=
<u>Blackjack Creek (15.0203)</u>	<u>August 1 - September 30</u>	X	=
<u>Burley Creek (15.0056)</u>	<u>August 1 - September 30</u>	X	=
<u>Chico Creek (15.0229)</u>	<u>August 1 - October 15</u>	X	=
<u>Clear Creek (15.0249)</u>	<u>August 1 - September 30</u>	X	=
<u>Curley Creek (15.0185)</u>	<u>August 1 - September 30</u>	X	=
<u>Dewatto River (15.0420)</u>	<u>August 1 - August 15</u>	X	=
<u>Dogfish Creek (15.0285)</u>	<u>August 1 - September 30</u>	X	=
<u>Gorst Creek (15.0216)</u>	<u>August 1 - August 31</u>	X	=
<u>Grovers Creek (15.0299)</u>	<u>August 1 - September 30</u>	X	=
<u>Johnson Creek (15.0387)</u>	<u>August 1 - October 31</u>	X	=
<u>Ollala Creek (15.0107)</u>	<u>August 1 - September 30</u>	X	=
<u>Ross Creek (15.0209)</u>	<u>August 1 - November 15</u>	X	=
<u>Salmonberry Creek (15.0188)</u>	<u>August 1 - November 30</u>	X	=
<u>Seabeck Creek (15.0400)</u>	<u>August 1 - August 15</u>	X	=
<u>Steele Creek (15.0273)</u>	<u>August 1 - September 30</u>	X	=
<u>Tahuya River (15.0446)</u>	<u>August 1 - August 31</u>	X	X
<u>Union River (15.0503)</u>	<u>August 1 - August 31</u>	X	X
<u>Klickitat County</u>	<u>July 15 - September 30</u>	X	=
<u>Alder Creek (31.0459)</u>	<u>August 1 - September 30</u>	X	=

<u>Chapman Creek (31.0192)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Glade Creek (31.0851)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Juniper Canyon Creek (31.0378)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Klickitat River (30.0002) - Mouth to Klickitat hatchery</u>	<u>Submit Application</u>	=	=
<u>Klickitat River (30.0002) - Upstream of Klickitat hatchery</u>	<u>Submit Application</u>	=	=
<u>Little White Salmon River (29.0131) - Mouth to Cabbage Creek</u>	<u>July 16 - January 31</u>	<u>X</u>	<u>X</u>
<u>Little White Salmon River (29.0131) - Upstream of Cabbage Creek</u>	<u>July 16 - January 31</u>	<u>X</u>	=
<u>Pine Creek (31.0354)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Rock Creek (31.0014)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Six Prong Creek (31.0465)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>White Salmon River (29.0160) - Mouth to Cascade Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>White Salmon River (29.0160) - Upstream of Cascade Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Wood Gulch Creek (31.0263)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Lewis County</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Chehalis River (22.0190/23.0190) - Mouth to South Fork Chehalis River</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Chehalis River (22.0190/23.0190) - Upstream of South Fork Chehalis River</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Newaukum River (23.0882) - Mouth to South Fork</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Newaukum River (23.0882) - Upstream of South Fork</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Skookumchuck River (23.0761)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Cowlitz River (26.0002)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Cispus River (26.0668) - Mouth to Squaw Creek (26.1010)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Cispus River (26.0668) - Squaw Creek to Chambers Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Cispus River (26.0668) - Upstream of Chambers Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Yellowjacket Creek (26.0757)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>McCoy Creek (26.0766) - Mouth to lower falls</u>	<u>August 1 - August 15</u>	<u>X</u>	=

<u>McCoy Creek (26.0766) - Upstream of lower falls</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Walupt Creek (26.1010)</u>	<u>Submit Application</u>	=	=
<u>Packwood Lake Tributaries</u>	<u>August 16 - September 15</u>	<u>X</u>	=
<u>Tilton River (26.0560) - Mouth to North Fork</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>X</u>
<u>Tilton River (26.0560) - Upstream of North Fork</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Toutle River (26.0227)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>North Fork Toutle River (26.0314)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Green River (26.0323)</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Deschutes River (13.0028)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Little Deschutes River (13.0110)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Nisqually River (11.0008) - Upstream of Alder Lake</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Lincoln County</u>	<u>June 16 - February 28</u>	<u>X</u>	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Hawk Creek (53.0101) - Mouth to falls</u>	<u>June 16 - August 31</u>	<u>X</u>	=
<u>Hawk Creek (53.0101) - Upstream of falls</u>	<u>June 16 - February 28</u>	<u>X</u>	=
<u>Upper Crab Creek (42.0001)</u>	<u>June 16 - February 28</u>	<u>X</u>	=
<u>Wilson Creek (43.0020)</u>	<u>June 16 - February 28</u>	<u>X</u>	=
<u>Mason County</u>	<u>August 1 - October 15</u>	<u>X</u>	=
<u>Cloquallum Creek (22.0501)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Coulter Creek (15.0002)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Dewatto River (15.0420)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Goldsborough Creek (14.0035)</u>	<u>August 1 - October 15</u>	<u>X</u>	=
<u>John Creek (16.0253)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Hamma Hamma River (16.0251) - Mouth to falls</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Johns Creek (14.0049)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Lilliwaup River (16.0230) - Mouth to falls</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Lilliwaup River (16.0230) - Upstream of falls</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Mill Creek (14.0029)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Satsop River (22.0360)</u>	<u>August 1 - August 31</u>	<u>X</u>	=

<u>Schaerer Creek (16.0326)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Sherwood Creek (14.0094)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Skokomish River (16.0001) - Mouth to Forks</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Skokomish River (16.0001) - Upstream of Forks</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Tahuya River (15.0446)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Twano Creek (14.0134)</u>	<u>August 1 - October 31</u>	<u>X</u>	=
<u>Union River (15.0503)</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Okanogan County</u>	<u>July 1 - August 15</u>	<u>X</u>	=
<u>Aneas Creek (49.0243) - Mouth to falls</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Aneas Creek (49.0243) - Upstream of falls</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Chewiliken Creek (49.0232) - Mouth to falls</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Chewiliken Creek (49.0232) - Upstream of falls</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Chiliwist Creek (49.0034) - Mouth to falls</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Chiliwist Creek (49.0034) - Upstream of falls</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Foster Creek (50.0065)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Methow River (48.0007) - Columbia confluence to Twisp River</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>Methow River tributaries between Black Canyon Creek and Gold Creek</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Black Canyon Creek (48.0015) - Mouth to Left Fork</u>	<u>Submit Application</u>	=	=
<u>Black Canyon Creek (48.0015) - Upstream of Left Fork</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Gold Creek (48.0104) - Mouth to Foggy Dew Creek</u>	<u>Submit Application</u>	=	=
<u>Foggy Dew Creek (48.0153) - Mouth to Foggy Dew Falls</u>	<u>Submit Application</u>	=	=
<u>Foggy Dew Creek (48.0153) - Upstream of Foggy Dew Falls</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Middle Fork Gold Creek (48.0139)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>North Fork Gold Creek (48.0104)</u>	<u>Submit Application</u>	=	=
<u>Crater Creek (48.0177) - Mouth to Martin Creek</u>	<u>Submit Application</u>	=	=
<u>Crater Creek (48.0177) - Upstream of Martin Creek</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Martin Creek (48.0177)</u>	<u>July 1 - February 28</u>	<u>X</u>	=

<u>South Fork Gold Creek (48.0105) - Mouth to Rainy Creek</u>	<u>Submit Application</u>	=	=
<u>South Fork Gold Creek (48.0105) - Upstream of Rainy Creek</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Rainy Creek (48.0105)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>McFarland Creek (48.0090) - Mouth to Vinegar Gulch</u>	<u>Submit Application</u>	=	=
<u>McFarland Creek (48.0090) - Upstream of Vinegar Gulch</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Methow River tributaries between Libby Creek and Beaver Creek</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Beaver Creek (48.0307)</u>	<u>Submit Application</u>	=	=
<u>Frazer Creek (48.0309)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Lightning Creek (48.0361)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Middle Fork Beaver Creek (48.0307)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>South Fork Beaver Creek (48.0342)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Libby Creek (48.0203) - Mouth to Hornet Draw Creek</u>	<u>Submit Application</u>	=	=
<u>Libby Creek (48.0203) - Upstream of Hornet Draw</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Methow River (48.0007) - Twisp River to Goat Creek</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>Methow River (48.0007) - Upstream of Goat Creek</u>	<u>July 1 - July 31</u>	<u>X</u>	=
<u>Chewuch River (48.0728) - Mouth to Meadow Creek</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>Chewuch River (48.0728) - Upstream of Meadow Creek</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Early Winters Creek (48.1408) - Mouth to Silver Star Creek</u>	<u>Submit Application</u>	=	=
<u>Early Winters Creek (48.1408) - Upstream of Silver Star Creek</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Goat Creek (48.1364) - Mouth to 500' upstream of Montana Creek</u>	<u>Submit Application</u>	=	=
<u>Goat Creek (48.1364) - 500' Upstream of Montana Creek to Roundup Creek</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Goat Creek (48.1364) - Upstream of Roundup Creek</u>	<u>Submit Application</u>	=	=
<u>Lost River (48.0592)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Twisp River (48.0374)</u>	<u>July 1 - July 31</u>	<u>X</u>	<u>X</u>
<u>Buttermilk Creek (48.0466)</u>	<u>Submit Application</u>	=	=
<u>North Creek (48.0674)</u>	<u>Submit Application</u>	=	=

<u>North Fork Twisp River (48.0691)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>South Creek (48.0641) - Upstream of Louis Creek</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>South Creek (48.0641) - Mouth to Louis Creek</u>	<u>Submit Application</u>	=	=
<u>South Fork Twisp River (48.0698)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Wolf Creek (48.1300)</u>	<u>Submit Application</u>	=	=
<u>Myers Creek (60.0517)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Bolster Creek (60.0517)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Ethel Creek (60.0517)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Gold Creek (60.0517)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Mary Ann Creek (60.0517)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>North Fork Mary Ann Creek (60.0517)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Okanogan River (49.0019) - Mouth to Zosel Dam</u>	<u>July 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Antoine Creek (49.0294) - Mouth to velocity gradient at river mile 1.0</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Antoine Creek (49.0294) - Upstream of falls</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Bonaparte Creek (49.0246) - Upstream of falls</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Bonaparte Creek (49.0246) - Mouth to Bonaparte Falls at river mile 1.0</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Loup Loup Creek (49.0048) - Mouth to Loup Loup Falls at river mile 2.4</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Loup Loup Creek (49.0048) - Upstream of Loup Loup Falls at river mile 2.4</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Mosquito Creek (49.0321) - Mouth to falls</u>	<u>July 1 - August 31</u>	<u>X</u>	=
<u>Mosquito Creek (49.0321) - Upstream of falls</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Nine Mile Creek (49.0516)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Omak Creek (49.0138) - Mouth to Mission Falls at river mile 5.4</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Omak Creek (49.0138) - Upstream of falls</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Salmon Creek (49.0079) - Mouth to diversion</u>	<u>July 1 - August 31</u>	<u>X</u>	=
<u>Salmon Creek (49.0079) - Upstream of diversion</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Similkameen River (49.0325) - Mouth to Enloe Dam</u>	<u>July 1 - August 31</u>	<u>X</u>	<u>X</u>

<u>Similkameen River (49.0325) - Upstream of Enloe Dam</u>	<u>July 1 - October 31</u>	<u>X</u>	<u>X</u>
<u>Sinlahekin Creek (49.0349) - Mouth to barrier dam at Connors Lake</u>	<u>July 1 - August 31</u>	<u>X</u>	=
<u>Cecile Creek (49.0447)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Chopaka Creek (49.0357)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Toats Coulee Creek (49.0368)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Cougar Creek (49.0368)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Siwash Creek (49.0284) - Falls to headwaters</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Siwash Creek (49.0284) - Mouth to falls at river mile 1.4</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Tonasket Creek (49.0501) - Mouth to Tonasket Falls at river mile 1.8</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Tonasket Creek (49.0501) - Upstream of Tonasket Falls at river mile 1.8</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>Tunk Creek (49.0211) - Mouth to falls</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>Tunk Creek (49.0211) - Upstream of falls</u>	<u>July 1 - March 31</u>	<u>X</u>	=
<u>San Poil River (52.0004)</u>	<u>June 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>West Fork San Poil (52.0192)</u>	<u>June 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Gold Creek (52.0197)</u>	<u>June 16 - February 28</u>	<u>X</u>	=
<u>Toroda Creek (60.0410)</u>	<u>July 1 - September 30</u>	<u>X</u>	=
<u>Pacific County</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Bear River (24.0689)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>X</u>
<u>Bone River (24.0405)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Chehalis River (22.0190/23.0190)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Chinook River (24.MISC)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>X</u>
<u>Grays River (25.0093)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Naselle River (24.0543)</u>	<u>August 1 - September 15</u>	<u>X</u>	<u>X</u>
<u>Nemah River (24.0460)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>X</u>
<u>Niawiakum River (24.0417)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>North River (24.0034)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>X</u>

<u>Palix River (24.0426)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Willapa River (24.0251)</u>	<u>August 1 - September 30</u>	<u>X</u>	<u>X</u>
<u>Pend Oreille County</u>	<u>July 1 - August 31</u>	<u>X</u>	=
<u>Little Spokane River (55.0003)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>West Branch Little Spokane River (55.0439)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Harvey Creek (62.0310) - Mouth to Rocky Fork of Harvey Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Harvey Creek (62.0310) - Upstream of Rocky Fork of Harvey Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Pend Oreille River (62.0002)</u>	<u>January 1 - December 31</u> <u>Submit Application</u>	<u>X</u>	<u>X</u>
<u>Big Muddy Creek (62.0279)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Bracket Creek (62.0815)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Calispel Creek (62.0628)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Exposure Creek (62.0261)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Kent Creek (62.0819)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Le Clerc Creek (62.0415)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Lime Creek (62.0014)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Lodge Creek (62.0859)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Lost Creek (62.0322)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Marshall Creek (62.0842)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Pee Wee Creek (62.0007) - Mouth to falls</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Pee Wee Creek (62.0007) - Upstream of falls</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Renshaw Creek (62.0310)</u>	<u>August 1 - March 15</u>	<u>X</u>	=
<u>Sullivan (O'Sullivan) Creek (62.0074)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>North Fork Sullivan Creek (62.0075)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Tributaries of Deep Creek in Pend Oreille County (61.0195)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Currant Creek (61.0249)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Meadow Creek (61.0351)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Rocky Creek (61.0364)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Silver Creek (61.0195)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Smackout Creek (61.0226)</u>	<u>July 16 - August 15</u>	<u>X</u>	=

<u>Pierce County</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Chambers/Clover Creek Watershed (12.MISC)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Flett Creek (12.0009)</u>	<u>July 16 - October 31</u>	<u>X</u>	=
<u>Leach Creek (12.0008)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Nisqually River (11.0008) - Mouth to Alder Lake</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Nisqually River (11.0008) - Upstream of Alder Lake</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Mashel River (11.0101) - Mouth to Busy Wild Creek</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Mashel River (11.0101) - Upstream of Busy Wild Creek</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Puyallup River (10.0021) - Mouth to PSE Electron Powerhouse Outfall</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Puyallup River (10.0021) - Upstream of PSE Electron Powerhouse Outfall</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Carbon River (10.0413)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Cayada Creek (10.0525) - Mouth to falls about 800 feet upstream</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Cayada Creek (10.0525) - Upstream of the falls</u>	<u>January 1 - December 31</u>	<u>X</u>	=
<u>South Prairie Creek (10.0429) - Mouth to Dam at Buckley</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>South Prairie Creek (10.0429) - Upstream of Dam at Buckley</u>	<u>July 16 - January 15</u>	<u>X</u>	=
<u>Voight Creek (10.0414) - Mouth to falls at River Mile 4.0</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Voight Creek (10.0414) - Upstream of falls River Mile 4.0</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>White River (10.0031)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Clearwater River (10.0080)</u>	<u>July 16 - August 3115</u>	<u>X</u>	<u>X</u>
<u>Greenwater River (10.0122)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Huckleberry Creek (10.0253)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>West Fork White River (10.0186)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Sequalitchew Creek (12.0019)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>San Juan County</u>	<u>July 1 - August 31</u>	<u>X</u>	=
<u>Cascade Creek (02.0057), Orcas Island - Upstream of lower falls</u>	<u>July 1 - February 28</u>	<u>X</u>	=

<u>Cascade Creek (02.0057), Orcas Island, Buck Bay to falls located approximately 300 feet above mouth</u>	<u>July 1 - October 31</u>	<u>X</u>	=
<u>Doe Creek (02.MISC), San Juan Island, Westcott Bay to falls (approximately 250 feet from mouth)</u>	<u>June 16 - October 15</u>	<u>X</u>	=
<u>False Bay Creek (02.MISC) - San Juan Island; Mouth to lake</u>	<u>July 1 - October 31</u>	<u>X</u>	=
<u>Glenwood Springs, Orcas Island; direct tributary to Eastsound Bay</u>	<u>July 1 - October 15</u>	<u>X</u>	=
<u>Moran Creek (02.MISC) - Orcas Island; from Cascade Lake delta upstream 1/4 mile</u>	<u>July 1 - October 15</u>	<u>X</u>	=
<u>Unnamed Creek (02.0041) - San Juan Island; Mouth to lake</u>	<u>July 1 - October 15</u>	<u>X</u>	=
<u>Skagit County</u>	<u>August 1 - September 15</u>	<u>X</u>	=
<u>Granite Creek (04.2313) - Upstream of East Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Samish River (03.0005)</u>	<u>August 1 - September 15</u>	<u>X</u>	=
<u>Skagit River (03.0176/04.0176) - Mouth to Sauk River (04.0673)</u>	<u>August 1 - August 15</u> <u>Submit Application</u>	<u>X</u>	<u>X</u>
<u>Skagit River (03.0176/04.0176) - Sauk River to Gorge Dam</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Baker River (04.0435) - Mouth to Baker Dam</u>	<u>August 1 - August 15</u> <u>Submit Application</u>	<u>X</u>	<u>X</u>
<u>Cascade River (04.1411)</u>	<u>August 1 - August 15</u> <u>Submit Application</u>	<u>X</u>	<u>X</u>
<u>Day Creek (03.1435)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Lookout Creek (04.1447)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Sibley Creek (04.1481)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Day Creek (03.0299) - Mouth to Rocky Creek</u>	<u>Submit Application</u>	=	=
<u>Day Creek (03.0299) - Upstream of Rocky Creek</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Finney Creek (04.0392) - Mouth to Big Fir Creek</u>	<u>Submit Application</u>	=	=
<u>Finney Creek (04.0392) - Upstream of Big Fir Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=

<u>Illabot Creek (04.1346)</u>	August 1 - August 15 <u>Submit Application</u>	X	=
<u>Sauk River (04.0673) - Mouth to Forks</u>	August 1 - August 15 <u>Submit Application</u>	X	X
<u>Sauk River (04.0673) - Upstream of Forks</u>	<u>August 1 - August 15</u>	X	=
<u>Suiattle River (04.0710)</u>	<u>August 1 - August 15</u>	X	X
<u>Wiseman Creek (03.0280) - Mouth to SR20</u>	<u>Submit Application</u>	=	=
<u>Wiseman Creek (03.0280) - Upstream of SR20</u>	<u>July 16 - February 28</u>	X	=
<u>South Fork Nooksack River (01.0246) - Mouth to falls at River Mile 30</u>	<u>August 1 - August 15</u>	X	X
<u>South Fork Nooksack River (01.0246) - Falls at River Mile 30 to Wanlick Creek</u>	<u>July 16 - August 15</u>	X	X
<u>South Fork Nooksack River (01.0246) - Upstream of Wanlick Creek</u>	<u>July 16 - August 15</u>	X	=
<u>Skamania County</u>	<u>July 15 - September 15</u>	X	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Cispus River (26.0668)</u>	<u>August 1 - August 15</u>	X	X
<u>Cispus River (26.0668) tributaries located in Skamania County</u>	<u>August 1 - October 31</u>	X	=
<u>East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls</u>	<u>August 1 - February 28</u>	X	X
<u>East Fork Lewis River (27.0173) - Upstream of Sunset Falls</u>	<u>August 1 - February 28</u>	X	=
<u>Green River (26.0323) (Tributary of North Fork Toutle River)</u>	<u>July 16 - September 30</u>	X	X
<u>Hamilton Creek (28.0303)</u>	<u>August 1 - August 31</u>	X	=
<u>Hardy Creek (28.0303)</u>	<u>August 1 - August 31</u>	X	=
<u>Little White Salmon River (29.0131) - Mouth to Hatchery</u>	<u>July 16 - August 15</u>	X	X
<u>Little White Salmon River (29.0131) - Hatchery to Cabbage Creek</u>	<u>July 16 - January 31</u>	X	X
<u>Little White Salmon River (29.0131) - Upstream of Cabbage Creek</u>	<u>July 16 - January 31</u>	X	=
<u>North Fork Lewis River (27.0168) - Merwin Dam to Lower Falls</u>	<u>July 16 - August 15</u>	X	X
<u>Canyon Creek (27.0442)</u>	<u>July 16 - February 28</u>	X	=

<u>North Fork Lewis River (27.0168) - Upstream of Lower Falls</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Washougal River (28.0159) - Mouth to Stebbins Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Washougal River (28.0159) - Upstream of Stebbins Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>White Salmon River (29.0160) - Mouth to Cascade Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>White Salmon River (29.0160) - Upstream of Cascade Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Wind River (29.0023)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Woodward Creek (28.0298)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Snohomish County</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Lake Washington tributaries</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Sauk River (04.0673) - Mouth to Forks</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Sauk River (04.0673) - Upstream of Forks</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Suiattle River (04.0710)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Snohomish River (07.0012) - Mouth to Highway 9</u>	<u>August 1 - October 31</u>	<u>X</u>	<u>X</u>
<u>Snohomish River (07.0012) - Upstream of Highway 9</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Pilchuck River (07.0125) - Mouth to City of Snohomish diversion dam</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Pilchuck River (07.0125) - City of Snohomish diversion dam to Boulder Creek</u>	<u>August 1 - September 15</u>	<u>X</u>	<u>X</u>
<u>Pilchuck River (07.0125) - Upstream of Boulder Creek</u>	<u>August 1 - September 15</u>	<u>X</u>	=
<u>Skykomish River (07.0012) - Mouth to forks</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Deer Creek (05.0173) - Mouth to stream mile 0.5</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Deer Creek (05.0173) - Upstream of stream mile 0.5</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>North Fork Skykomish River (07.0982) - Mouth to Bear Creek Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>North Fork Skykomish River (07.0982) - Bear Creek Falls to Deer Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>North Fork Skykomish River (07.0982) - Deer Falls to West Cady Creek</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>X</u>
<u>North Fork Skykomish River (07.0982) - Upstream of West Cady Creek</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Howard Creek (07.1042)</u>	<u>July 16 - February 28</u>	<u>X</u>	=

<u>Silver Creek (07.1053) - Mouth to Lake Gulch</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Silver Creek (07.1053) - Upstream of Lake Gulch</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Troublesome Creek (07.1085)</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>West Fork Troublesome Creek (07.1092)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>South Fork Skykomish River (07.0012) - Mouth to Sunset Falls</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Beckler River (07.1413) - Mouth to Boulder Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Beckler River (07.1413) - Upstream of Boulder Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Rapid River (07.1461) - Mouth to Meadow Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Rapid River (07.1461) - Upstream of Meadow Creek</u>	<u>August 1 - February 28</u>	<u>X</u>	<u>X</u>
<u>Sultan River (07.0881) - Mouth to Diversion Dam at river mile 9.4</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Sultan River (07.0881) - Diversion Dam to Elk Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Sultan River (07.0881) - Upstream of Elk Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Wallace River (07.0940) - Mouth to Wallace Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Wallace River (07.0940) - Upstream of Wallace Falls</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Olney Creek (07.0946) - Mouth to Olney Falls</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Olney Creek (07.0946) - Upstream of Olney Falls</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Snoqualmie River Mouth to Falls (07.0219)</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>All other Snohomish River tributaries</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Stillaguamish River (05.0001) - Mouth to forks</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>South Fork Stillaguamish River (05.0001) - Mouth to Deer Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>South Fork Stillaguamish River (05.0001) - Upstream of Deer Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	=

<u>Spokane County</u>	<u>June 16 - August 31</u>	<u>X</u>	=
<u>Latah Creek (56.0003)</u>	<u>June 16 - August 31</u>	<u>X</u>	=
<u>Little Spokane River (55.0600) - Mouth to Deer Creek</u>	<u>June 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Little Spokane River (55.0600) - Upstream of Deer Creek</u>	<u>June 16 - August 31</u>	<u>X</u>	=
<u>Spokane River (57.0001)</u>	<u>June 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Stevens County</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Big Sheep Creek (61.0150)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Colville River (59.0002) - Mouth to the Falls</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Colville River (59.0002) - Upstream of the Falls</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Deep Creek (61.0195)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Onion Creek (61.0098)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Sheep Creek (59.0861)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Lake Roosevelt tributaries from the mouth of the Spokane River to mouth of the Colville River</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Lake Roosevelt tributaries from the mouth of the Colville River north to the B.C. Border</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Tributaries of Little Spokane River (55.0600)</u>	<u>June 16 - August 31</u>	<u>X</u>	=
<u>Calispel Creek (62.0628)</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Other tributaries to the Pend Oreille River in Stevens County</u>	<u>July 1 - August 31</u>	<u>X</u>	=
<u>Thurston County</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Cedar Creek (23.0570)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Chehalis River (22.0190/23.0190) - Upstream of Porter Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Skookumchuck River (23.0761) - Mouth to Skookumchuck Reservoir</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Skookumchuck River (23.0761) - Upstream of Skookumchuck Reservoir</u>	<u>August 1 - August 31</u>	<u>X</u>	=
<u>Deschutes River (13.0028) - Mouth to Deschutes Falls</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Deschutes River (13.0028) - Upstream of Deschutes Falls</u>	<u>July 16 - August 31</u>	<u>X</u>	=

<u>Ellis Creek (13.0022)</u>	<u>May 16 - September 30</u>	<u>X</u>	=
<u>Little Deschutes River (13.0110)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>McLane Creek (13.0138)</u>	<u>August 1 - October 31</u>	<u>X</u>	=
<u>Percival Creek (13.0029)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Nisqually River (11.0008)</u>	<u>July 16 - August 31</u>	<u>X</u>	<u>X</u>
<u>Tributaries of Nisqually River (11.0008)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Porter Creek (23.0543)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Schneider Creek (14.0009)</u>	<u>August 1 - October 31</u>	<u>X</u>	=
<u>Waddell Creek (23.0677)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Woodard Creek (13.0012)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Woodland Creek (13.0006)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Wahkiakum County</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Columbia River</u>	<u>See below</u>	=	=
<u>Abernathy Creek (25.0297)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Deep River (25.0011)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Elochoman River (25.0236)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Grays River (25.0093)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Mill Creek (25.0284)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Naselle River (24.0543)</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Skamokowa Creek (25.0194)</u>	<u>July 16 - September 15</u>	<u>X</u>	=
<u>Walla Walla County</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Walla Walla River (32.0008) - Mouth to Oregon state line</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Mill Creek (32.1436) - Mouth to Oregon state line</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Touchet River (32.0097) - Mouth to Forks</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Touchet/Wolf Fork (32.0761)</u>	<u>Submit Application</u>	=	=
<u>South Fork Touchet (32.0708)</u>	<u>Submit Application</u>	=	=
<u>Whatcom County</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Damfino Creek (00.0032)</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Nooksack River (01.0120)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>

<u>Cascade Creek (02.0057) - Mouth to FR 37</u>	<u>Submit Application</u>	=	=
<u>Cascade Creek (02.0057) - Upstream of FR 37</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Middle Fork Nooksack River (01.0339) - Mouth to City of Bellingham Diversion Dam</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Middle Fork Nooksack River (01.0339) - Upstream of City of Bellingham Diversion Dam</u>	<u>Submit Application</u>	=	=
<u>North Fork Nooksack River (01.0120) - Mouth to Nooksack Falls</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>North Fork Nooksack River (01.0120) - Upstream of Nooksack Falls</u>	<u>Submit Application</u>	=	=
<u>Barometer Creek (01.0513)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Ruth Creek (01.0531)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Swamp Creek (01.0518)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Wells Creek (02.0057)</u>	<u>Submit Application</u>	=	=
<u>Bar Creek (01.0500)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>South Fork Nooksack (01.0246) - Mouth to Wanlick Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>South Fork Nooksack (01.0246) - Upstream of Wanlick Creek</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Samish River (03.0005)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Skagit River (03.0176) - Mouth to Sauk River</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Skagit River (03.0176) - Sauk River to Gorge Dam</u>	<u>August 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Skagit River (03.0176/04.0176) - Gorge Dam to Ross Dam</u>	<u>Submit Application</u>	=	=
<u>Baker River (04.0435) - Mouth to Baker Lake Dam (04.0435)</u>	<u>Submit Application</u>	=	=
<u>Baker River (04.0435) - Baker Lake to national park boundary</u>	<u>Submit Application</u>	=	=
<u>Boulder Creek (04.0499)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Park Creek (04.0506) - Mouth to fish passage barrier at river mile 1.6</u>	<u>Submit Application</u>	=	=
<u>Park Creek (04.0506) - Upstream of river mile 1.6</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Swift Creek (04.0509) - Mouth to Rainbow Creek</u>	<u>Submit Application</u>	=	=
<u>Swift Creek (04.0509) - Upstream of Rainbow Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	=

<u>Ross Lake (03.0176/04.0176) tributaries</u>	<u>Submit Application</u>	=	=
<u>Ruby Creek (04.2199)</u>	<u>Submit Application</u>	=	=
<u>Canyon Creek (04.2458) - Mouth to Barron Creek</u>	<u>Submit Application</u>	=	=
<u>Canyon Creek (04.2458) - Upstream of Barron Creek and tributaries</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Barron Creek (04.2591)</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Boulder Creek (04.2478) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	=	=
<u>Boulder Creek (04.2478) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Friday Creek (04.2549) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	=	=
<u>Friday Creek (04.2549) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Holmes Creek (04.2473) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	=	=
<u>Holmes Creek (04.2473) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Mill Creek (04.2504) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	=	=
<u>Mill Creek (04.2504) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Nickol Creek (04.2476) - Mouth to 300 feet upstream</u>	<u>Submit Application</u>	=	=
<u>Nickol Creek (04.2476) - 300 feet upstream of mouth to headwaters</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>North Fork Canyon Creek (04.2583) - Mouth to Elk Creek</u>	<u>Submit Application</u>	=	=
<u>Cascade Creek (05.2584)</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>North Fork Canyon Creek (04.2583) - Upstream of Elk Creek</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Slate Creek (04.2557) - Mouth to falls at River Mile 0.6</u>	<u>Submit Application</u>	=	=
<u>Slate Creek (04.2557) - Upstream of falls at River Mile 0.6</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Granite Creek (04.2313) - Mouth to East Creek</u>	<u>Submit Application</u>	=	=
<u>Granite Creek (04.2313) - Upstream of East Creek and tributaries</u>	<u>October 1 - February 28</u>	<u>X</u>	=
<u>Saar Creek (00.0003)</u>	<u>August 1 - September 30</u>	<u>X</u>	=

<u>Silesia Creek (00.0042) - Canadian Border to Middle Fork</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Silesia Creek (00.0042) - Middle Fork to national park boundary</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Rapid Creek (00.0048)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>West Fork Silesia Creek (00.0044)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Winchester Creek (00.0045)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Whitman County</u>	<u>July 16 - December 15</u>	<u>X</u>	=
<u>Snake River (35.0002)</u>	<u>See below</u>	=	=
<u>Alkali Flats Creek (35.0570)</u>	<u>July 16 - December 15</u>	<u>X</u>	=
<u>Almota Creek (35.1017)</u>	<u>July 16 - December 15</u>	<u>X</u>	=
<u>Little Almota Creek (35.1018)</u>	<u>July 16 - December 15</u>	<u>X</u>	=
<u>Palouse River (34.0003) - Mouth to Palouse Falls</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Palouse River (34.0003) - Upstream of Palouse Falls</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Penewawa Creek (35.0916)</u>	<u>July 16 - December 15</u>	<u>X</u>	=
<u>Wawawi Canyon Creek (35.1165)</u>	<u>July 16 - December 15</u>	<u>X</u>	=
<u>Yakima County</u>	<u>June 1 - September 15</u>	<u>X</u>	=
<u>Glade Creek (31.0851)</u>	<u>August 1 - September 30</u>	<u>X</u>	=
<u>Klickitat River (30.0002)</u>	<u>Submit Application</u>	=	=
<u>Yakima River (37.0002/38.0002/39.0002) - Mouth to Roza Dam</u>	<u>June 1 - September 15</u>	<u>X</u>	<u>X</u>
<u>Ahtanum Creek (37.1382)</u>	<u>June 16 - September 30</u>	<u>X</u>	=
<u>North Fork Ahtanum Creek (37.1382)</u>	<u>Submit Application</u>	=	=
<u>South Fork Ahtanum Creek (37.1382)</u>	<u>Submit Application</u>	=	=
<u>Naches River (38.0003) - Mouth to Tieton River</u>	<u>July 1 - October 15</u>	<u>X</u>	<u>X</u>
<u>Naches River (38.0003) - Upstream of mouth of Tieton River to Bumping River</u>	<u>July 1 - August 15</u>	<u>X</u>	<u>X</u>
<u>Bumping River (38.0998)</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>American River (38.1000)</u>	<u>Submit Application</u>	=	=
<u>Gold Creek (38.MISC)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Kettle Creek (38.1033)</u>	<u>Submit Application</u>	=	=

<u>Miner Creek (38.1027)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Morse Creek (38.1072) - Mouth to SR410 Crossing</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Morse Creek (38.1072) - Upstream of SR410 Crossing</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Rock Creek (38.MISC)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Timber Creek (38.1062)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Union Creek (38.1045) - Upstream of 500' above falls</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Union Creek (38.1045) - Mouth to 500' above falls</u>	<u>Submit Application</u>	=	=
<u>Other American River tributaries not listed</u>	<u>August 1 - February 28</u>	<u>X</u>	=
<u>Deep Creek (38.MISC)</u>	<u>Submit Application</u>	=	=
<u>Copper Creek (38.MISC)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Cowiche Creek (38.0005) - Mouth to South Fork Cowiche Creek</u>	<u>July 1 - September 30</u>	<u>X</u>	=
<u>North Fork Cowiche Creek (38.0008)</u>	<u>July 1 - February 28</u>	<u>X</u>	=
<u>South Fork Cowiche Creek (38.0031) - Mouth to Reynolds Creek</u>	<u>July 1 - September 30</u>	<u>X</u>	=
<u>South Fork Cowiche Creek (38.0031) - Upstream of Reynolds Creek</u>	<u>July 16 - October 31</u>	<u>X</u>	=
<u>Granite Creek (38.MISC)</u>	<u>August 1 - August 15</u>	<u>X</u>	=
<u>Little Naches River (38.0852) - Mouth to Matthews Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	<u>X</u>
<u>Little Naches River (38.0852) - Upstream of Matthews Creek</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Crow Creek (38.0858)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Nile Creek (38.0692)</u>	<u>July 16 - October 15</u>	<u>X</u>	=
<u>Rattlesnake Creek (38.0518)</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>Tieton River (38.0166) - Mouth to Rimrock Dam</u>	<u>July 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>North Fork Tieton River (38.0291) - Below Clear Lake Dam</u>	<u>Submit Application</u>	=	=
<u>North Fork Tieton River (38.0291) - Upstream of Clear Lake</u>	<u>July 1 - August 15</u>	<u>X</u>	=
<u>Clear Creek (38.0317)</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>South Fork Tieton River (38.0374) - Below South Fork Falls</u>	<u>Submit Application</u>	=	=
<u>South Fork Tieton River (38.0374) - Upstream of South Fork Falls</u>	<u>July 16 - February 28</u>	<u>X</u>	=

<u>Indian Creek (38.0302)</u>	<u>Submit Application</u>	=	=
<u>Tributaries of Tieton River below Rimrock Dam</u>	<u>July 16 - February 28</u>	<u>X</u>	=
<u>Umtanum Creek (39.0553)</u>	<u>July 16 - September 30</u>	<u>X</u>	=
<u>Wenas Creek (39.0032)</u>	<u>July 16 - October 15</u>	<u>X</u>	=
<u>Other Yakima River tributaries</u>	<u>July 16 - August 31</u>	<u>X</u>	=
<u>Columbia River</u>	=	<u>X</u>	=
<u>Mouth to the I-205 Bridge</u>	<u>August 1 - March 31</u>	<u>X</u>	<u>X</u>
<u>I-205 Bridge to Bonneville Dam</u>	<u>July 16 - September 15</u>	<u>X</u>	<u>X</u>
<u>Bonneville Dam to Snake River</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Snake River to Priest Rapids Dam</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Priest Rapids Dam to Mouth of Crab Creek</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Mouth of Crab Creek to Wanapum Dam</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Wanapum Dam to the SR 285 bridge in South Wenatchee</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>SR 285 bridge in South Wenatchee to the SR 2 bridge</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>SR 2 bridge to one mile downstream of the Chelan River</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>From one mile downstream of the Chelan River to the SR 97 bridge</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>From SR 97 bridge to Chief Joseph Dam</u>	<u>July 16 - February 28</u>	<u>X</u>	<u>X</u>
<u>Chief Joseph Dam to Grand Coulee Dam</u>	<u>June 16 - March 31</u>	<u>X</u>	<u>X</u>
<u>Upstream of Grand Coulee Dam to Onion Creek Canadian border</u>	<u>Submit Application</u>	=	=
<u>Onion Creek to Canadian Border</u>	<u>January 1 - December 31</u>	<u>X</u>	<u>X</u>
<u>All Columbia River tributaries</u>	<u>See county listings</u>	=	=
<u>Snake River</u>	=	<u>X</u>	=
<u>Mouth to Ice Harbor Dam</u>	<u>July 16 - September 30</u>	<u>X</u>	<u>X</u>
<u>Ice Harbor Dam to Mouth of Clearwater River</u>	<u>July 16 - March 31</u>	<u>X</u>	<u>X</u>
<u>Mouth of Clearwater River to State Line</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>All Snake River tributaries</u>	<u>See county listings</u>	=	=
<u>Lakes</u>	<u>Submit Application</u>	=	=

<u>Salt water</u>	<u>Submit Application</u>	=	=
<u>All waters within Indian tribal reservation, national park, state park, or wilderness boundaries</u>	<u>Submit Application</u>	=	=

[Statutory Authority: RCW 75.08.080, 75.20.100 and 75.20.330. 99-01-088 (Order 98-252), § 220-110-206, filed 12/16/98, effective 1/16/99.]

Recommended Adjustments to Proposed Rules

After reviewing the comments received during the public comment periods, staff of Washington Department of Fish and Wildlife recommends the following adjustments to the proposed rules.

WAC 220-110-020 Definitions.

~~((27))~~ (32) "Excavation site" means the pit, furrow, or hole from which ~~((aggregate is being removed for the processing and recovery of))~~ you remove aggregate in order to process and recover minerals or into which wastewater is discharged to settle out sediments.

~~((36))~~ (42) "Ganged equipment" means two or more pieces of mineral prospecting equipment coupled together to increase efficiency. An example is adding a second sluice to a high-banker within the flow of water and aggregate.

(45) "Habitat improvement structures or stream channel improvements" means natural or human-made materials placed in or next to bodies of water to make existing conditions better for fish life. Rock flow deflectors, engineered logjams, and artificial riffles are examples.

(93) "Stable slope" means a slope without visible evidence of slumping, sloughing or other movement. Stable slopes will not show evidence of landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically present on stable slopes.

Definitions after (93) will be renumbered

WAC 220-110-200 Mineral prospecting ~~((technical provisions))~~.

(3) Nothing in these rules relieves a person of the duty to obtain landowner permission and any other necessary permits before conducting any mineral prospecting activity.

WAC 220-110-201 ~~((Common))~~ mineral prospecting ~~((technical provisions))~~ without timing restrictions.

(3) You may work within the wetted perimeter only from one-half hour before official sunrise to one-half hour after official sunset. If your mineral prospecting equipment exceeds one half the width of the wetted perimeter of the stream, you must remove the equipment from the wetted perimeter or move it so that a minimum of fifty percent of the wetted perimeter is free of equipment between one-half hour after official sunset to one-half hour prior to official sunrise.

(4) You may not disturb fish life or redds within the bed. If you observe or encounter fish life or redds within the bed, or actively spawning fish when collecting or processing aggregate, you must relocate your operations. You must avoid areas containing live freshwater mussels. If you encounter live mussels during excavation, you must relocate your operations.

(5)(h) You may not excavate, collect, or remove aggregate from the toe of the slope. You also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 3 and 4.

WAC 220-110-202 ((Use of Class 0 mineral prospecting equipment.)) Mineral prospecting with timing restrictions.

(1)(e) Power sluice/suction dredge combinations that have riffle areas totaling ten square feet or less, including ganged equipment, suction intake nozzles with inside diameters that should be five inches or less, but shall be no greater than five and one-quarter inches to account for manufacturing tolerances and possible deformation of the nozzle, and pump intake hoses with inside diameters of four inches or less. The inside diameter of the dredge hose attached to the suction intake nozzle may be no greater than one inch larger than the suction intake nozzle size. See Figure 1.

(3) The suction intake hose-nozzle and hose diameter of suction dredges and power sluice/suction dredge combinations must not exceed the diameters allowed in the listing for the stream or stream reach where you are operating, as identified in WAC 220-110-206.

(15) You may not excavate, collect, or remove aggregate from the toe of the slope. You also may not excavate, collect, or remove aggregate from an unstable slope or any slope that delivers, or has the potential to deliver, sediment to the wetted perimeter or frequent scour zone. See Figures 3 and 4.

(16) You may partially divert a body of water into mineral prospecting equipment. However, at no time may the diversion structure be greater than fifty percent of the width of the wetted perimeter, including the width of the equipment. You may not divert the body of water outside of the wetted perimeter except when using a pump to provide water to equipment listed in 220-110-202(1)(a, b, c, e, f).

(19)(b) Only at an upland location landward of the frequent scour zone if you use power sluice/suction dredge combinations; high-bankers; power sluices; or rocker boxes that have riffle areas totaling more than three, but less than ten, square feet. You may not allow tailings or wastewater to enter the wetted perimeter or frequent scour zone.

WAC 220-110-206 Authorized work times and ((watereourses)) mineral prospecting equipment restrictions by specific state waters for mineral prospecting and placer mining projects ((by specific watercourse, except the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment)).

(4) Mineral prospecting and placer mining within ((two hundred feet landward of the ordinary high water line in)) state waters listed as "submit application" ((or "closed" is)) are not authorized under the *Gold and Fish* pamphlet. **Site review and aA** written HPA ((is)) **are-is** required for these state waters.

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
Clark County			
<u>Washougal River (28.0159) - Mouth to Dougan Creekheadwaters</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
<u>Washougal River (28.0159) - Upstream of Dougan Creek</u>	<u>August 1 - August 31</u>	<u>X</u>	<u>X</u>
Garfield County			
<u>Tucannon River (35.0009) - Mouth to Panjab Creek</u>	<u>July 16 - August 1531</u>	<u>X</u>	<u>X</u>
<u>Tucannon River (35.0009) - Upstream of Panjab Creek</u>	<u>July 16 - August 1531</u>	<u>X</u>	=

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
King County <u>White River (10.0031)</u>	<u>July 16 - August 31 15</u>	<u>X</u>	<u>X</u>
Kittitas County <u>Cle Elum River (39.1434) - Upstream of Cle Elum Dam</u>	<u>July 1 - August 15 Submit Application</u>	X	X
<u>NF Teanaway River (39.1260)</u>	<u>July 16 - August 15 Submit Application</u>	X	=
Pend Oreille County <u>Pend Oreille River (62.0002)</u>	<u>January 1 - December 31 Submit Application</u>	X	X
Pierce County <u>South Prairie Creek (10.0429) Mouth to dam Buckley</u>	<u>July 16 - August 15</u>	<u>X</u>	=
<u>South Prairie Creek (10.0429) - Upstream of Dam at Buckley</u>	<u>July 16 - January 15</u>	<u>X</u>	=
<u>Clearwater River (10.0080)</u>	<u>July 16 - August 31 15</u>	<u>X</u>	<u>X</u>

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>Skagit County</u>			
<u>Skagit River (03.0176/04.0176) - Mouth to Sauk River (04.0673)</u>	<u>August 1 – August 15</u> <u>Submit Application</u>	<u>X</u>	<u>X</u>
<u>Skagit River (03.0176/04.0176) – Sauk River to Gorge Dam</u>	<u>August 1 – August 15</u>	<u>X</u>	<u>X</u>
<u>Baker River (04.0435) - Mouth to Baker Dam</u>	<u>August 1 – August 15</u> <u>Submit Application</u>	<u>X</u>	<u>X</u>
<u>Cascade River (04.1411)</u>	<u>August 1 – August 15</u> <u>Submit Application</u>	<u>X</u>	<u>X</u>
<u>Illabot Creek (04.1346)</u>	<u>August 1 – August 15</u> <u>Submit Application</u>	<u>X</u>	=
<u>Sauk River (04.0673) - Mouth to Forks</u>	<u>August 1 – August 15</u> <u>Submit Application</u>	<u>X</u>	<u>X</u>
<u>Whatcom County</u>			
<u>Skagit River (03.0176) – Mouth to Sauk River</u>	<u>August 1 – August 15</u>	<u>X</u>	<u>X</u>
<u>Skagit River (03.0176) – Sauk River to Gorge Dam</u>	<u>August 1 – August 15</u>	<u>X</u>	<u>X</u>
<u>Skagit River (03.0176/04.0176) - Gorge Dam to Ross Dam</u>	<u>Submit Application</u>	=	=
<u>Yakima County</u>			
<u>Upstream of Grand Coulee to Onion Creek Canadian Border</u>	<u>Submit Application</u>	=	=
<u>Onion Creek to Canadian Border</u>	<u>January 1 – December 31</u>	<u>X</u>	<u>X</u>

<u>Washington Counties and State Waters</u> <u>Water Resource Inventory Area (WRIA) in parentheses</u>	<u>Mineral Prospecting Is Allowed Only Between These Dates</u>	<u>State Waters (and tributaries, unless otherwise indicated) in Which You May Use Mineral Prospecting Equipment with a Four and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>	<u>State Waters (NOT including tributaries) in Which You May Use Mineral Prospecting Equipment with a Five and One-Quarter Inch Maximum Suction Intake Nozzle Inside Diameter</u>
<u>All waters within Indian tribal reservation, national park, state park, or wilderness boundaries</u>	<u>Submit Application</u>	=	=

Comments on Proposed New Mineral Prospecting Rules (through September 26, 2008)

Public Comment	WDFW Response
BASIS FOR PROPOSED MINERAL PROSPECTING RULES	
<p>The 1872 mining law gives me the right to prospect/mine on my claim, not WACs 220-110-200 through 205. The law gives the public the right to prospect and mine on federal lands. Any unnecessary or unreasonable restriction or prohibition on legitimate mining activities would constitute a “taking” under the 1866 and 1872 Mining Laws.</p>	<p>The 1872 Mining Law does not prohibit Washington state from establishing laws and rules that prospectors must follow to protect the natural resources of the state. Nothing in the proposed rules removes a valid claim holder’s right to prospect or mine. Where prospectors cannot conduct their activities under the conditions required by the Gold and Fish pamphlet they may apply for individual HPAs. In addition, some mineral prospecting activities are permitted year-round on all streams in the proposed rules. The proposed rules have no impact on the status of any federal or state mining laws.</p>
<p>RCW 34.05.040 states that “if any part of this chapter is found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, the conflicting part of this chapter is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned”. WDFW is regulating small scale mining without first adhering to federal law and the Washington State Constitution.</p>	<p>Commenter is misinterpreting RCW 34.05.040. The conflict referred to in the statute is any conflict between federal law and Chapter 34.05 RCW, not rules adopted under the Chapter. While the proposed mineral prospecting rules are adopted in accordance with the procedural requirements of Chapter 34.05 RCW, their content and suggested conflict with federal law is not controlled by Chapter 34.05 RCW.</p>
<p>The efforts by WDFW to reduce our activities are becoming clear that it is based on personal prejudice by WDFW staff. It is clear that WDFW does not intend on following the direction of the Legislature in completing these regulations. The proposed changes are flawed and criminal. Rules based on erroneous terms such as “possible”, “may”, and “could be” are against the law and any decisions based on these terms should be thrown out.</p>	<p>WDFW does not base proposed rules on the personal beliefs of staff. Rather, WDFW has, and will continue to comply with the direction of the Fish and Wildlife Commission to develop new rules, and with state laws regarding development and adoption of proposed rules, including Chapter 34.05 RCW. WDFW has the responsibility to protect fish life from the effects of hydraulic projects under Chapter 77.55 RCW. Mineral prospecting projects can cause significant damage to fish habitat and to fish life if not conducted according to the conditions outlined in the proposed rules. These rules are based not only on published scientific literature, but also on the experience of biologists and prospectors that helped develop the rules.</p>
<p>Public lands are for the public, not the domain of the select few.</p>	<p>The proposed rules do not restrict anyone’s access to public lands. They do ensure that those conducting prospecting activities that affect waters of the state do so in a way that provides for the proper protection of fish life.</p>
<p>WDFW can regulate, but the key word is “reasonable”, to miners as well as WDFW.</p>	<p>WDFW’s mandate is to protect the fish and wildlife resources of Washington State. The proposed rules are an attempt to protect the state’s fish resources while allowing as much prospecting activity as possible.</p>
GENERALLY HAPPY EXCEPT FOR WORK WINDOWS/TEMPERATURE UNITS	
<p>With the exception of the work windows, and a minor correction to WAC 220-110-202, the proposed rules are adequate and accurately represent the agreements reached by the workgroup developing them. The prospectors can live with the proposed rules; they will provide adequate</p>	<p>Thank you. WDFW worked with stakeholders to develop rules that will allow mineral prospecting activities while still providing for the proper protection of fish life.</p>

Public Comment	WDFW Response
<p>protection to fish life and give sufficient opportunity to prospectors.</p>	
<p>The proposed revisions to the prospecting rules contain several improvements over prior versions. Despite these improvements, the proposed work windows remain a major issue that makes the proposed rules unacceptable and non-responsive to state law. These work windows are based on regulatory bias and unproven science. Replace the current version of "Gold & Fish" with the new rules that are proposed, EXCEPT, adopt the new pamphlet with the work timing windows contained in the CURRENT version of "Gold & Fish." The work timing windows in the current rules are more than protective of aquatic resources in our waters.</p>	<p>WDFW did discuss work windows extensively during the workgroup development of the proposed rules. The proposed work windows are based on the need to avoid in-water work during egg and fry incubation. These work windows were developed with input from local, state, tribal, and federal fish biologists throughout the state, and by using scientific data for particular streams and known timing of the development of fish embryos exposed to various water temperatures. Work windows are not punitive but are based on the best available science. WDFW modified initial draft work windows whenever stakeholders provided reasonable evidence that they were not appropriate and where stream segments could be partitioned into smaller reaches based on fish species present to provide greater mineral prospecting opportunity. Other work windows were modified as a result of comments and data provided during the SEPA review process. WDFW does have records on file regarding the concept of temperature units and fish development. The progression of embryonic development stages of salmonids and other fish life in response to water temperature is well documented in scientific literature.</p>
<p>Support the portion of the rules that allow year-round panning activities.</p>	<p>Thank you. The proposed rules are designed to prevent significant impacts and protect fish life while giving prospectors as much opportunity to conduct their activities as possible.</p>
<p>With WACs 220-110-202 (23) and (24) in effect, which prohibit disturbing fish redds and require stopping work if a fish kill is observed, there is no need for timing windows.</p>	<p>Expert prospectors may know to look for gold in areas unlikely to contain fish eggs, and to conduct their operations without damaging fish or habitat, but those with less experience may not. There have been instances where actively spawning fish and redds were located within a claim and mineral prospectors were unaware of their presence. Redds can be difficult to detect even by experienced biologists, especially if weeks have passed since the redd was created. The proposed rules will protect incubating fish and sensitive areas, and prohibit damaging practices regardless of the expertise of the prospector, and there will be no significant likelihood of impacts to fish or their habitat.</p>
NO NEED FOR NEW RULES, KEEP OLD RULES	
<p>WDFW staff failed to provide the workgroup or the small scale miners with any science or justification for reducing the historical timings that have been allowed for more than 20 years or for the need for such exhaustive rules</p> <p>WDFW has not justified why the 1998 work windows need to be changed. The US Army Corps of Engineers stated that "to regulate against a potential for harm, where none has been shown to exist, is unjustifiable and must be challenged".</p>	<p>All work windows were reviewed using current information available to WDFW regarding fish species present in waters of the state and life history timing within those waters. WDFW did provide this information to the workgroup as well as to several prospectors through a public disclosure request. The work window review was required because the current rules were based on information available in 1998 and in many cases were outdated. The current mineral prospecting work windows were adopted into rule in 1998 and became effective in 1999, so have been in place nearly 10 years, not 20. The work window review has resulted in changed work windows for many streams. Some of these changes resulted in shortened work windows; others in lengthened work windows. WDFW proposes prohibiting most in-water prospecting activities during periods when eggs or fry are in the gravel. WDFW can allow in-water work in some streams during the winter in some streams even though this may not be an ideal time</p>

Public Comment	WDFW Response
	<p>for prospectors because fish in these waters are not incubating. While opportunity may be reduced in specific streams, there is a statewide increase of mineral prospecting opportunity between May and October in streams identified by miners as being important to mineral prospecting. In-water work windows are applicable to any work proposed within streams, not just mineral prospecting. Certain prospecting activities using primarily nonmotorized equipment and tools is allowed year-round in most areas provided prospectors do not excavate aggregate in the water. Prospectors desiring exception to the timing in the proposed rules can apply for individual HPAs. WDFW will review those requests, and if the site-specific conditions allow relief from these work windows, WDFW will issue an individual HPA for that work.</p>
<p>The mining community compromised on work windows in the current rules adopted in 1998. However, we are unwilling to accept the proposed work windows. Please shelve them, adopt the 1998 work windows, and reduce the expense in the production of the new rules.</p>	<p>The proposed rules are based not only on published scientific literature, but also on the experience of biologists and prospectors that helped develop the rules. WDFW provided extensive explanation of the need for the change in work windows to the workgroup developing the rules, including representatives of the Miner’s Council. WDFW can provide the scientific basis of these rules upon request.</p>
<p>There was never any valid science presented at the workgroup meetings to justify the proposed work windows. There is no evidence that concurrent occupation of waterways by dredgers and fish causes stress to fish. It would be reasonable and prudent to adopt the work windows in the 1999 Gold and Fish pamphlet.</p> <p>I have been unable to find any study that shows that the current small scale mining rules have failed to protect the environment and that new more restrictive rules are needed.</p>	<p>There have been relatively few scientific studies directed specifically at the types of equipment and their use addressed by the proposed rules. Of those that have been conducted, though, some have found impacts that we have addressed in the proposed rules. For example, scientific literature has documented increased scour of salmonids eggs created in fresh dredge tailings when those tailings are subsequently subjected to high flows. Some scientific literature documents a temporary reduction of macroinvertebrate populations subjected to dredging. Other science documents significant mortality of eggs passed through a dredge. There is significant scientific evidence regarding the effects of fine sediment loading in streambeds on survival of incubating eggs and fish. The proposed rules appropriately and adequately account for these potential impacts. The 1999 work windows are not fully protective of incubating eggs and fry. The proposed work windows use additional information that was not available when the current rules were adopted in 1998. WDFW did conduct a study of the impact of dredging on freshwater mussels that confirmed the need to avoid mussels when dredging.</p>
RULE DEVELOPMENT PROCESS/WORKGROUP/LEGAL	
<p>The Miner’s Council proposed new rules to the Fish and Wildlife Commission in August 2006, but these were rejected without identifying any reasons. WDFW has ignored mining community’s proposals and withdrawn their recommendations.</p>	<p>The Commission directed WDFW to work with prospectors and others to develop new rules. They did not reject the proposal. The workgroup, including representatives of the Miner’s Council, developed the new rules after considering and discussing all proposals, including the Miner’s Council’s proposal. While every recommendation from every workgroup member could not be incorporated into the proposed rules, we did incorporate those recommendations that were consistent with our statutory requirement to protect fish life.</p>
<p>WDFW has presented biased and unsubstantiated information, and changed, added to, and deleted acceptable rules.</p>	<p>WDFW used a workgroup composed of prospectors, tribal representatives, environmental groups, and various permitting agency staff to develop the proposed rules. The proposed rules are a significant improvement over the current rules and meet the</p>

Public Comment	WDFW Response
	directive given to the agency by the Fish and Wildlife Commission.
During stakeholder meetings, WDFW allowed no discussion of the proposed work windows.	WDFW did discuss work windows extensively during the workgroup development of the proposed rules. The proposed work windows are based on the need to avoid in-water work during egg and fry incubation. These work windows were developed with input from local, state, tribal, and federal fish biologists throughout the state, and by using scientific data for particular streams and known timing of the development of fish embryos exposed to various water temperatures.
Rewriting of pamphlet was supposed to simplify pamphlet and replace or lessen requirement for individual HPAs, but has failed. With proposed work windows, miners will have to submit multiple individual HPAs.	RCW 77.55.091 requires that WDFW adopt rules for appropriate small scale mineral prospecting activities and issue the Gold and Fish pamphlet containing those rules. The goal was to reduce the number of individual HPAs, not eliminate them entirely. The Fish and Wildlife Commission directive to WDFW to revise the current rules did not require WDFW to eliminate individual HPAs. Where prospectors cannot conduct their activities under the conditions required by the Gold and Fish pamphlet they may apply for individual HPAs. If all prospecting activities had to occur under the Gold and Fish pamphlet prospectors would have no other options for permitting.
Confused about the status of the DNS and why an Environmental Impact Statement was not produced.	WDFW finalized the Determination of Nonsignificance (DNS), and in so doing, determined that an environmental impact statement is not required prior to adoption of the proposed mineral prospecting rules. Prospectors complying with the rules are unlikely to have a significant impact on the environment.
WDFW violated their own State Environmental Act (SEPA) and legal opinion by not providing any Alternatives for the TU time frames for suction dredge mining.	WDFW adopted a DNS in compliance with the requirements of SEPA. An analysis of alternatives is not required when a lead agency adopts a DNS. Therefore, WDFW has not violated the law by not providing alternatives.
WDFW is violating the Supremacy Clause, Property Clause and the Commerce Clause of the United States. WDFW reserves the right to deny individual permits for prospectors. To deny for any reason is a taking without compensation and WDFW does not have the ability to cover all of those applications for an HPA, especially under the threat of denial.	WDFW is not in violation of any federal law or regulation by adopting the proposed mineral prospecting rules. WDFW is rightly complying with the direction of the Fish and Wildlife Commission to develop new rules under authority of Chapter 77.55 RCW. Denials of HPA requests do not necessarily constitute prohibitions of any and all work on a miner's claim. When WDFW denies an application for HPA it is denying the specific project identified in the application. A modified project, perhaps one proposing different work windows or different equipment, will be considered and permitted if fish life can be protected.
Most of the prospectors affected by these rules don't have the time from everyday work/full time jobs to comment on them until it is too late.	The proposed rules have been widely distributed to the public during two separate comment periods totaling more than 48 days. This provided ample opportunity for anyone wishing to comment to WDFW, and exceeded the minimum comment periods required by statute.
The WDFW has the power to reasonably regulate activities not incident to mining upon the Public Lands, but those same regulations fail when they operate to prohibit the customary usage by legitimate prospectors and miners on valid mining claims or in pursuit of such a claim. These proposed regulatory amendments are prohibitive and not merely regulatory in fundamental character	The proposed rules do not prohibit the customary usage of claims by prospectors and miners. The rules provide the regulations necessary to protect fish life in accordance with Chapter 77.55 RCW. Any prospector that wishes to conduct mineral prospecting activities that deviate from the proposed rules may apply for an individual HPA. The individual application will be considered and permitted if fish life can be protected. In addition, some mineral prospecting activities are permitted year-round on all

Public Comment	WDFW Response
<p>and, therefore, are unlawful as proposed.</p> <p>WDFW is in Violation of Multiple-Surface Use Act (30 U.S.C.A. § 612(b) & (615), 612(b) which states that "...any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as not to endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto..."</p>	<p>streams in the proposed rules.</p> <p>WDFW is not violating this section of the Multiple-Surface Act. The proposed rules do not materially interfere with prospecting activities. They simply require that prospecting activities be conducted in a way that protects fish life.</p>
<p>Prior to final rulemaking, we request that WDFW undertake a GIS study in collaboration with the Washington State Department of Archaeological and Historic Preservation to correlate state waters with known historic/archaeological sites that may be disturbed by prospectors. Without such a study, WDFW is relying on prospectors to identify those areas. Prospectors are unable to do so.</p>	<p>Under Chapter 77.55 RCW, WDFW can only condition projects for the protection of fish life. Therefore, WDFW could not restrict or condition HPAs based on the presence of historic/archaeological sites. It is the responsibility of the prospector to ensure that they have permission to conduct their activities and have secured any other applicable permits and approvals.</p>
WORK WINDOWS ARE TOO SHORT AND TOO LATE IN THE YEAR	
<p>The work windows need to be modified to a reasonable time frame, using appropriate science. The current pamphlet allows us to work our claims from 1 July-31 October. Under the proposed rules the window is from 1 August-28 February. These windows are untenable because either there is no water in the stream which prevents operation of a dredge, or snow blocks access.</p> <p>Proposed work windows will substantially reduce or close existing work windows. Most of the streams and creeks are frozen or not accessible to small scale miners in the winter in the mountains and in Eastern Washington</p> <p>The proposed work windows will prevent families with school-age children from finding a little gold on their summer break, because the window of opportunity will be too small.</p> <p>I urge a relaxing of the time windows small scale miners are allowed in Washington's streams given the amount of time we actually spend and the benefit to stream health we provide.</p> <p>Proposed work windows have unrealistic time frames during which prospectors can operate. Even though some windows will increase, it is when sites are inaccessible and does not count as an increase. Work windows in the middle of winter aren't true work windows. Winter snow often blocks access.</p> <p>Small scale miners should have access to their mineral grant throughout the year.</p>	<p>All work windows were reviewed using current information available to WDFW regarding fish species present in waters of the state and life history timing within those waters. The work window review was required because the current rules were based on information available in 1998 and in many cases were outdated. The work window review has resulted in changed work windows for many streams. Some of these changes resulted in shortened work windows; others in lengthened work windows.</p> <p>Prospectors desiring exception to the timing in the proposed rules can apply for individual HPAs. WDFW will review those requests, and if the site-specific conditions allow relief from these work windows, WDFW will issue an individual HPA for that work.</p> <p>WDFW proposes prohibiting most in-water prospecting activities during periods when eggs or fry are in the gravel. Because the work windows are based on the spawning, incubation, and emergence times of fish life, mineral prospecting can be permitted during the fall and winter months in many streams. WDFW can allow in-water work in some streams during the winter even though this may not be an ideal time for prospectors because fish in these waters are not incubating. Certain prospecting activities using primarily nonmotorized equipment and tools is proposed to be allowed year-round in most areas provided prospectors do not excavate aggregate in the water.</p> <p>In-water work windows are applicable to any work proposed within streams, not just mineral prospecting. While opportunity may be reduced in specific streams, the proposed rules provide increased opportunity statewide from May through October in streams identified by miners as being important for mineral prospecting.</p> <p>The proposed work windows are based on the need to avoid in-water work during egg and fry incubation. These work windows</p>

Public Comment	WDFW Response
<p>The work windows could be adjusted to be fair to the claim owners and accomplish your goals also. I propose that no in-water equipment mining be any less than 6 weeks.</p> <p>Due to the inaccuracy of fish spawning and egg incubation times, I suggest that in-water work seasons be no shorter than 4 weeks. The proposed two week seasons for certain waters are far too restrictive for mineral prospecting when the same fish that the WDFW is trying to protect may be lawfully killed with a fishing license. There is already sufficient rule language for protection of redds in the proposed new rules.</p> <p>Wilderness areas with sensitive fish populations such as bull trout have been opened to dredging during summer while areas with no sensitive fish populations have been closed during summer and open during winter. This is flawed reasoning.</p>	<p>were developed with input from local, state, tribal, and federal fish biologists throughout the state, and by using scientific data for particular streams and known timing of the development of fish embryos exposed to various water temperatures</p>
<p>The changes proposed in the "allowed mining dates" as listed under each county are too restrictive. By reducing access and shortening available dates the WDFW will concentrate small scale miners into smaller time frames and smaller areas which may inadvertently cause more damage and stress to the environment than it was designed to alleviate.</p>	<p>The proposed work times were developed to allow in-water prospecting during times when the most vulnerable life stages of fish are no longer incubating in stream gravels. Provided prospectors comply with the requirements of the proposed rules, there will be no significant likelihood of impacts to fish or their habitat even if prospectors concentrate their efforts over a short time or small area.</p>
<p>Proposed work windows take away, without compensation, my ability to work my claim.</p> <p>As the windows stand many prospectors will submit applications for individual HPAs to allow us to work in the streams and rivers of the state.</p>	<p>The proposed rules do not prohibit prospectors from working their claims. They provide, under the pamphlet, the methods and timing the prospecting activities can be conducted in a manner that protects fish life. Prospectors desiring exception to the timing in the proposed rules can apply for individual HPAs. WDFW will review those requests, and if the site-specific conditions allow relief from these work windows, WDFW will issue an individual HPA for that work.</p>
<p>Fishing seasons for many rivers are June 1 – October 31, year round, or last Saturday in April-October 31. Very few of the prospecting work windows are near these lengths unless they begin in August and go thru 28 February when you cannot get in to the claims because of the snow or risk being shot during hunting season if you can find a spot on the claim to camp. Hunters will be occupying most of the campsites on the mining claims. WDFW is not looking at the safety issue. How many miners will be SHOT or KILLED before WDFW wakes up by accident.</p>	<p>Under the authority of Chapter 77.55 RCW, WDFW may only adopt rules that provide for the proper protection of fish life from the impacts of hydraulic projects, including mineral prospecting. Therefore, other valid concerns of prospectors, such as personal safety, cannot legally be addressed in the proposed rules and must be the responsibility of individuals participating in prospecting activities. Reckless endangerment of public safety when using firearms is unlawful.</p>
MINERAL PROSPECTING CAUSES NO HARM TO FISH	
<p>Over 165 miners have provided written affidavits indicating they have never killed a fish, seen or vacuumed up a fish or of any kind, destroyed fish habitat, nor ever sucked up an alevin from a redd.</p>	<p>WDFW appreciates the miners' affidavits. Expert prospectors may know to look for gold in areas unlikely to contain fish eggs, and to conduct their operations without damaging fish or habitat, but those with less experience may not. There have been instances</p>

Public Comment	WDFW Response
<p>Rules state that we may not disturb redds and that we must stop our operation and move if we identify redds. This does not need to be there. We do have and use common sense.</p> <p>In all of the years that I have been prospecting and suction dredging, I have never encountered, uncovered, disturbed, harmed, or killed fish eggs, fry, or spawning fish. Nor have I ever seen a fish kill.</p>	<p>where actively spawning fish and redds were located within a claim and mineral prospectors were unaware of their presence. Redds can be difficult to detect even by experienced biologists, especially if weeks have passed since the redd was created. You likely have not seen fish eggs while dredging because the work windows prevent you from operating during most times when fish eggs are present. The proposed rules will protect incubating fish and sensitive areas, and prohibit damaging practices regardless of the expertise of the prospector, and there will be no significant likelihood of impacts to fish or their habitat.</p> <p>The requirement to stop work and notify the authorities if you observe a fish kill is to prevent further damage to stream life and possibly to humans in the vicinity after a fish kill is identified, as undetectable toxins may be present.</p>
<p>WDFW’s inability to provide any record of the number of notifications received for fish life in distress, occurrences of fish kill or water quality issues for HPAs supports the miner affidavits.</p>	<p>WDFW’s response to the request for records regarding notifications of fish kills and water quality issues did not state that there were no instances where prospectors or others notified WDFW of such issues. Rather, it stated that WDFW has no record of such occurrences. WDFW does not have such records because we do not record data of those instances. From our database we cannot determine if we have received such notifications.</p>
<p>Scientific studies provided by the prospecting community supply ample evidence that prospecting activities are insignificant and discountable to fish and fish habitat.</p>	<p>The proposed rules are based not only on published scientific literature, some of which was provided by the prospecting community, but also on the experience of biologists and prospectors that helped develop the rules. WDFW can provide the scientific basis of these rules upon request.</p>
<p>There are relatively few mineral prospectors and our effect on the environment is negligible. Until the number of small scale miners can be determined and a study of small scale miners is conducted it is illogical to assume a negative impact from such a small number of persons.</p>	<p>The number of prospectors is small compared to some other activities, but their impact can be significant, if prospecting occurs unrestricted. The proposed rules are designed to prevent significant impacts and protect fish life while giving prospectors as much opportunity to conduct their activities as possible.</p>
<p>No record of fish kills or impacts to fish life were found in a public disclosure request. WDFW stated it will “err on the side of aquatic life” which means that WDFW is attempting to regulate by optimizing conditions for aquatic life, which is illegal and prohibitive.</p>	<p>The proposed rules provide for the proper protection of fish life and do not “attempt to regulate by optimizing conditions for aquatic life”. They also offer significant, reasonable, opportunity for mineral prospecting activities without requiring an individual HPA, and the conditions imposed upon prospectors using the Gold and Fish pamphlet seek only to result in no net loss of habitat. In cases where prospectors cannot accomplish their activities under the proposed rules and the Gold and Fish pamphlet they may submit applications for approval of their projects through the issuance of individual HPAs. WDFW will grant those approvals provided fish life can be protected or the impacts of the project mitigated for.</p>
<p>WDFW has not demonstrated that prospecting activities result in takings or harm as defined by EPA. A federal appeals court has found that environmental activists must prove harm to species, not just allege it, to invoke the Endangered Species Act.</p>	<p>The proposed rules are written in compliance with Chapter 77.55 RCW. The U.S. Fish and Wildlife Service and National Marine Fisheries Service would need to determine whether the rules meet the requirements of the Endangered Species Act. The proposed restrictions on mineral prospecting activities provide for the proper protection of fish life and habitat without requiring overly burdensome requirements of mineral prospectors.</p>
<p>Scientific studies of small scale prospecting and</p>	<p>There is a significant body of scientific literature that demonstrates</p>

Public Comment	WDFW Response
<p>mining have consistently shown that the environmental impacts associated with these activities are de minimus.</p>	<p>the impact of land-disturbing activities on fish life, and scientific evidence of the impact of prospecting and mining activities on fish life, predominantly to incubating eggs and alevins within the gravel. WDFW has used this literature to craft the proposed rules. The Corps determined in the late 1990's, for their permitting purposes, that small-scale suction dredging impacts are de minimus provided prospectors adhere to the rules adopted by WDFW.</p>
<p>WDFW has not demonstrated that small scale mining or prospecting has damaged or created a take of fish life. Damage from sediment here in Washington appears to be more of an opinion than of fact. This is particularly true of small scale mining activities that may generate a plume of small duration and amount. Much readily available science indicates that suction dredge mining has little or no measurable effect on fish life and the stream environment.</p> <p>Minimal regulations are needed because science has shown small scale placer suction dredging to be not significant</p>	<p>These rules are based not only on published scientific literature, but also on the experience of biologists and prospectors that helped develop the rules. There have been relatively few scientific studies directed specifically at the types of equipment and their use addressed by the proposed rules. Of those that have been conducted, though, some have found impacts that we have addressed in the proposed rules. For example, scientific literature has documented increased scour of salmonids redds created in fresh dredge tailings when those tailings are subsequently subjected to high flows. Some scientific literature documents a temporary reduction of macroinvertebrate populations subjected to dredging. Other science documents significant mortality of eggs passed through a dredge. There is significant scientific evidence regarding the effects of fine sediment loading in streambeds on survival of incubating eggs and fish. The proposed rules appropriately and adequately account for these potential impacts. The 1999 work windows are not fully protective of incubating eggs and fry. The proposed work windows use additional information that was not available when the current rules were adopted in 1998.</p>
<p>This action by the DFW is an extreme waste of taxpayer money. They are overregulating a population of 200-500 suction dredgers statewide. There are really only 30-50 dredgers dredging on any given day in the entire state. This is such a non-issue. Especially since there exists ZERO evidence of ANY harm to ANY fish because of the current in-water work windows.</p> <p>The theoretical level of prospecting is many times more than the actual in-water activity. The rules are imposed without considering how totally insignificant prospecting and mining is in relation to the entire area of a stream.</p>	<p>WDFW is required by Chapter 77.55 RCW to avoid or mitigate the impacts of hydraulic projects, including mineral prospecting, regardless of the number of participants in the activity being regulated. The development of new proposed rules for mineral prospecting was implemented at the specific request of prospectors throughout the state to the Fish and Wildlife Commission. These rules are based not only on published scientific literature, but also on the experience of biologists and prospectors that helped develop the rules. There have been relatively few scientific studies directed specifically at the types of equipment and their use addressed by the proposed rules. Of those that have been conducted, though, some have found impacts that we have addressed in the proposed rules. For example, scientific literature has documented increased scour of salmonids redds created in fresh dredge tailings when those tailings are subsequently subjected to high flows. Some scientific literature documents a temporary reduction of macroinvertebrate populations subjected to dredging. Other science documents significant mortality of eggs passed through a dredge. There is significant scientific evidence regarding the effects of fine sediment loading in streambeds on survival of incubating eggs and fish. The proposed rules appropriately and adequately account for these potential impacts. The 1999 work windows are not fully protective of incubating eggs and fry. The proposed work windows use additional information that was not available when the current rules were</p>

Public Comment	WDFW Response
<p>There is no evidence to show that properly operated gasoline/propane pumps are hurting marine life/fish with factory size screens that are designed to protect pump from damage. WDFW has not provided any facts or evidence that mineral prospecting is harmful to fish life or the environment.</p>	<p>adopted in 1998.</p> <p>These rules are based not only on published scientific literature, but also on the experience of biologists and prospectors that helped develop the rules. There have been relatively few scientific studies directed specifically at the types of equipment and their use addressed by the proposed rules. Of those that have been conducted, though, some have found impacts that we have addressed in the proposed rules, as discussed in the responses above.</p> <p>The rules for pump screens are based on criteria from the National Marine Fisheries Service and WDFW to ensure that fish are not entrained or impinged due to pump operations.</p>
<p>The SEPA that was submitted by WDFW shows that the small scale mining activities are insignificant and do not require additional restrictions.</p>	<p>The DNS issued by WDFW through the SEPA process was issued after public review of WDFW’s determination that adoption of the proposed rules would not result in significant impact to the environment. The determination did not suggest that unregulated mineral prospecting would adequately protect fish life.</p>
<p>Only those places that salmon actually use for spawning along with a reasonable buffer zone, should have any restrictions placed on them.</p>	<p>WDFW is responsible for providing for the proper protection of all fish life, not just salmon, from the impacts of hydraulic projects. Hydraulic projects are any work that uses, diverts, obstructs, or changes the flow or bed of state water and may occur anywhere on the landscape. Fish life includes finfish such as trout, steelhead, and salmon, as well as shellfish. Limiting our rules to protecting only salmon would violate the requirements of Chapter 77.55 RCW.</p>
<p>The local use of water from a river or stream for prospecting and mining should not be an issue because there is no loss of water in the process. All water used is returned to the original channel. In addition, the quantity of water used is so small that it is not measurable in relation to the bulk of water at the site.</p>	<p>Even a small, temporary, diversion of water from a short portion of small stream, or from one that is at seasonal low flows can have significant impact on the aquatic life of the stream.</p>
<p>It is unreasonable to lump small scale mining in with large construction. We perform no construction work, no diversion and use only water provided to us by Washington State Constitution.</p>	<p>WDFW adopts rules to avoid or mitigate the impacts of each type of hydraulic project. Therefore, each type of activity has different requirements. The requirements for mineral prospecting activities are much different than those for large construction projects, but the requirements for all hydraulic projects are restricted to those necessary to protect fish life. The use of water in Washington State is regulated by Washington Department of Ecology through the issuance and enforcement of water rights. Ecology also maintains water quality through implementation of the National Pollutant Discharge Elimination System.</p>
SUCTION DREDGES AND OTHER EQUIPMENT	
<p>Suction dredging restrictions are based on assumptions and unsubstantiated information, not scientific evidence. Many studies have shown dredging to improve spawning beds and to have no effect on fish or eggs. The Army Corps of Engineers considers small-scale suction dredging to have “de minimus impact”. Placer mining dredges less than .009% of the total river footage per year in Washington.</p>	<p>A significant body of scientific literature demonstrates the impact of land-disturbing activities on fish life, and scientific evidence of the impact of prospecting and mining activities on fish life, predominantly to incubating eggs and alevins within the gravel. WDFW has used this literature to craft the proposed rules. The Corps determined in the late 1990’s, for their permitting purposes, that small-scale suction dredging impacts are de minimus provided prospectors adhere to the rules adopted by WDFW.</p>

Public Comment	WDFW Response
<p>Science proves that suction dredges have less than significant impact. Therefore, minimal regulations are called for. Dredgers benefit the streambed by cleaning the bottom, and loosen sand and gravel. It stirs up food for fish. Miners do not kill fish or eggs.</p>	<p>These rules are based not only on published scientific literature, but also on the experience of biologists and prospectors that helped develop the rules. There have been relatively few scientific studies directed specifically at the types of equipment and their use addressed by the proposed rules. Of those that have been conducted, though, some have found impacts that we have addressed in the proposed rules. For example, scientific literature has documented increased scour of redds created in fresh dredge tailings when those tailings are subsequently subjected to high flows. Some scientific literature documents a temporary reduction of macroinvertebrate populations subjected to dredging. Other science documents significant mortality of eggs passed through a dredge. There is significant scientific evidence regarding the effects of fine sediment loading in streambeds on survival of incubating eggs and fish. The proposed rules appropriately and adequately account for these potential impacts. Expert prospectors may know to look for gold in areas unlikely to contain fish eggs, but those with less experience may not. There have been instances where actively spawning fish and redds were located within a claim and mineral prospectors were unaware of their presence. Redds can be difficult to detect even by experienced biologists, especially if weeks have passed since the redd was created. The proposed rules will protect sensitive areas and prohibit damaging practices regardless of the expertise of the prospector.</p>
<p>Rules require separation of dredges by a 200 foot radius. This was not agreed to by the stakeholders in the workgroups. This rule could be a real problem for enforcement. If you have 2 pieces of equipment one on one side of an island and one on the other side of the island the prospectors may not even know that the other is there.</p>	<p>The proposed rule requiring that dredges be separated by a 200' radius was negotiated and resolved in the workgroup. Prospectors operating dredges will need to be aware of other operators in the vicinity to avoid violating this requirement. The rules allow dredges to be closer than 200' from other dredges, however; only one of these may be operated at a time.</p>
<p>It is wrong and creates a hardship for current dredgers to regulate dredge size based on hose diameter, should be based on nozzle size. Current dredgers will no longer be able to adapt their equipment to comply with regulations. Should allow variance of ¼ inch for usage or warping. Outrageous to fine for out of round nozzle. Should allow dredge hoses to be at least two sizes larger than nozzle, also helps prevent jams.</p>	<p>Comment apparently based on previous version of proposed rules. Authorized dredge size in the proposed rule is based on nozzle size, not hose size. Hoses can be up to 1" larger diameter than the nozzle to prevent rock jams in the hose. Nozzle is allowed to be up to ¼" greater than 4" or 5" maximum to allow for manufacturing variances or nozzle getting out of round from use.</p>
<p>The Federal Authority on types and uses of dredges in waterways has determined that suction dredges up to 6" are of no significant impact to rivers and streams.</p> <p>WDFW has imposed pump intake screening requirements above that required by federal requirements and of equipment manufacturers, requiring operators in Washington State to purchase or manufacture equipment for compliance.</p>	<p>WDFW has determined, based on review of scientific literature and from the experience of professional biologists that unregulated prospecting activity would have detrimental impacts to fish life and habitat.</p> <p>The rules for pump screens are based on criteria from the National Marine Fisheries Service and WDFW to ensure that fish are not entrained or impinged due to pump operations.</p>
<p>The most significant change in the proposed rules</p>	<p>The proposed work windows are based on the need to avoid in-</p>

Public Comment	WDFW Response
<p>is the restricted "season" in which prospectors may work in the water. These restrictions are based on the FALSE assertion that dredging itself is harmful to fish. Your actions must bear the scrutiny of real and impartial science or they will be challenged and eventually reversed. Please save us the trouble and the taxpayers a lot of money and approach this with findings based on the research of a truly unbiased scientific review.</p>	<p>water work during egg and fry incubation. These work windows were developed with input from local, state, tribal, and federal fish biologists throughout the state, and by using scientific data for particular streams and known timing of the development of fish embryos exposed to various water temperatures. Work windows are not punitive but are based on the best available science. WDFW modified initial draft work windows whenever stakeholders provided reasonable evidence that they were not appropriate and where stream segments could be partitioned into smaller reaches based on fish species present to provide greater mineral prospecting opportunity. Other work windows were modified as a result of comments and data provided during the SEPA review process. WDFW does have records on file regarding the concept of temperature units and fish development. The progression of embryonic development stages of salmonids and other fish life in response to water temperature is well documented in scientific literature.</p>
<p>Because neither the current or proposed rules provide for the tracking of the frequency, location or duration of stream dredging, WDFW cannot identify cumulative impacts. We recommend that WDFW collect data to tracks trends, frequency, location, and duration of in-stream prospecting. Lack of tracking data makes enforcement of rule violations difficult, if not impossible. We recommend that stream dredging be a regulated and licensed activity that can be tracked and enforced.</p>	<p>The Washington State Legislature directed that, “small scale prospecting and mining shall not require a permit under [Chapter 77.55 RCW] if the prospecting is conducted in accordance with rules established by the department.” Therefore, it is difficult for WDFW to track the frequency, location, and duration of activity for activities that occur under the Gold and Fish pamphlet.</p> <p>However, WDFW enforcement officers throughout the state are tasked with enforcing HPA laws and rules. Additionally, monitoring associated with individual prospecting HPAs (conducted under WDFW policy 5212) will help in assessing compliance.</p>
<p>Proposed rules do not address the pros and cons of suction dredging on a fair basis in a salt water environment. Should allow ocean beach mining as Alaska does.</p>	<p>The proposed rules are primarily intended to regulate mineral prospecting in freshwater environments and an individual HPA is required for any prospecting or mining in salt waters. WDFW is currently working with Washington State Parks on a pilot prospecting program in coastal areas, as directed by the Legislature.</p>
<p>WDFW has put equipment size restrictions on Rivers/Streams/Creeks for no reason let alone any scientific data. No scientific proof has shown that sluice boxes of any size cause harm to fish or eggs, so why restrict the size?</p>	<p>WDFW and the workgroup developing the proposed rules attempted to include equipment that the majority of prospectors used to avoid the need for them to apply for individual permits. For example, most prospectors use no larger than a 5” dredge and will be able to operate under the proposed rules under the Gold and Fish pamphlet. Those wishing to use larger equipment may apply for individual HPAs.</p> <p>There is significant scientific evidence regarding the effects of fine sediment loading in streambeds on survival of incubating eggs and fish. Sluice box size is restricted to help in limiting the amount of fine sediment that would be deposited in tailings, as larger sluices would be able to process more material and result in greater tailings.</p>
BENEFITS OF MINERAL PROSPECTING	
<p>Prospectors are the only group removing significant quantities of mercury and lead from waters of the state. Small scale miners recover and remove heavy</p>	<p>Some prospecting activities can recover quantities of mercury and lead. It is unknown if the amounts removed by these activities result in significant environmental benefit. Prospecting activities</p>

Public Comment	WDFW Response
<p>metals, pick up trash left by others and remove noxious weeds to improve our environment. This helps get mercury out of the water and make fish safe for consumption.</p> <p>I have personally recovered 61 lbs of fishing lead in 6 trips to one area. The small scale miners also received an award from Washington Department of Ecology this year for the recovery and turn in of many pounds of mercury. This is proof that our efforts are cleaning and improving the habitat for the fish, which WDFW is directed to protect and improve conditions for. Our efforts accomplish what WDFW is given donation grants and federal funding for.</p>	<p>are not expected to have any significant impact on the presence or distribution of noxious weeds. Conscientious prospectors may remove trash left behind by others.</p>
<p>Mineral prospectors improve the environment by loosening compacted gravels and creating pools for rest and spawning, and through the removal of toxic heavy metals.</p>	<p>While in some instances prospecting activities may be beneficial, there is a risk to fish life due to unregulated prospecting activities. Regulations are required to prevent significant impacts to fish life from prospecting activities.</p>
DEFINITIONS	
<p>Definitions in WAC 220-110-020 need to be revised as follows:</p> <p>(30) Frequent scour zone. Definition leaves too much to interpretation. Remove last sentence because organic materials may be found here.</p> <p>(60) Mineral prospect. Remove entirely, the definition is inaccurate.</p> <p>(76) Process(ing) aggregate. Remove “enrichment”.</p> <p>(87) Slope. I don’t understand definition.</p> <p>(100) Unstable slope. This is too broad and could mean any bank.</p>	<p>Frequent scour zone definition is adequate. Definition does not say organics are not found there, but rather organic soils are not present. Because this zone is often scoured by the high flows of a stream, organic soils are not present.</p> <p>Mineral prospect definition is accurate. No alternative definition was suggested.</p> <p>Processing aggregate definition is accurate. The purpose of processing activities associated with mineral prospecting is to recover the valuable content within aggregate.</p> <p>Slope definition appears to be clear.</p> <p>Unstable slope definition is adequate. Because the terms unstable slope and stable slope are both used in the proposed rules, and only unstable slope is defined, WDFW will add a definition of stable slope to read: “Stable slope means a slope without visible evidence of slumping, sloughing or other movement. Stable slopes will not show evidence of landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically present on stable slopes”.</p>
<p>New term (frequent scour zone) for the area below the Ordinary High Water Line. This will lead to confusion and/or conflicts as all other agencies as well as WDFW in other rules still use Ordinary High Water Line or Mark. “Frequent” needs to be defined.</p>	<p>Frequent scour zone is a new term developed for the proposed rules. There may be some initial confusion by some miners encountering the term for the first time, but the definition in the proposed rules is clear and prospectors should be able to adapt quickly to it.</p>
<p>The definition of large woody material references the ordinary high water line rather than the frequent</p>	<p>Agreed. WDFW will change the definition to read: “Large woody material” means trees or tree parts larger than four inches in</p>

Public Comment	WDFW Response
scour zone. The definition of large woody material should not be restricted to wood within the ordinary high water line. It should include wood located in the floodplain areas of streams.	diameter and longer than six feet and rootwads, wholly or partially waterward of the ordinary high water line, or wholly or partially within the frequent scour zone.
The definition of “ abandoning an excavation site ” states 48 hours, but this is discretionary and left up to the judgment of the investigating officer. Site should be open through the work window.	The 48 hour definition is a set period and is not discretionary. The 48 hour time period is necessary to ensure that stranding of fish or other adverse impacts do not result from unfilled excavation sites.
The governing criteria for mineral prospecting should be “best management practices”. Nowhere can I find what sustainable “ proper protection ” could possibly mean.	As defined in WAC 220-110-021 (63) protection of fish life means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations. While based on best available science, the proposed rules also incorporate best management practices. For example, unstable slopes may not be disturbed, and active dredges must be separated by at least 200’.
Remove the term “ fish life ” from WAC 220-110-201(4) because investigating officer will follow definition of “fish life” which does not exclude free-swimming fish as stated by Perry Harvester.	The protection of fish life is the basis for the Hydraulic Project Approval authority. The current definition of fish life is appropriate and consistent with Chapter 77.55 RCW.
What does WDFW mean by the word “ machine ”? There is no definition for this in the definitions section. Everyone understood the previous definition of a Suction Dredge, that it was a piece of POWER equipment, that used a PUMP to generate the force necessary to draw a slurry of aggregate and water up and into a sluice of some kind. I thought the pump was where the conflict between dredging and fish existed. What is the purpose of the apparent restriction on the use of non-motorized, therefore without a pump, suction equipment?	The word machine in the proposed rules means the common dictionary definition; an apparatus used to perform work. The proposed definition would include non-motorized equipment that uses suction to move submerged aggregate as a suction dredge.
WAC 220-201(5)(b) prohibits in-water excavation. What is the logic for this? Most of the bed of the wetted perimeter where a person would want to work is well compacted, well washed, gravel. There is not in my experience any noticeable silt appearing in the water flow from this shoveling action that does not disappear within a few feet of the digging. If the boulders are returned to the excavation site what harm to fish can there possibly be?	The prohibition of excavating within the wetted perimeter when conducting prospecting without timing restrictions is necessary to ensure that excavation does not occur in fish redds. Expert prospectors may know to look for gold in areas unlikely to contain fish eggs, but those with less experience may not. There have been instances where actively spawning fish and redds were located within a claim and mineral prospectors were unaware of their presence. Redds can be difficult to detect even by experienced biologists, especially if weeks have passed since the redd was created. The proposed rules will protect sensitive areas and prohibit damaging practices regardless of the expertise of the prospector.
When digging a hole in the frequent scour zone, while sluicing, it will often fill up with water. This water is detrimental to the recovery of gold; a siphon can be used to draw this water out of the hole, a hole that no fish could be in, as it is not connected to the wetted perimeter. The new definition of a suction dredge would appear to prevent a person from using a siphon to dry up the hole. Why is that? How can this possibly be detrimental to any part of the fish life cycle or	Because of the elevation differences required to operate a siphon, it would not be effective for dewatering an excavation site in the frequent scour zone. Prospectors can dewater excavation holes by using hand-held mineral prospecting tools, including battery-operated pumps. The proposed definition of dredge only deals with the use of suction to move aggregate and would not apply to this situation that involves only pumping water.

Public Comment	WDFW Response
<p>habitat?</p> <p>WAC 220-110-201(5)(d) prohibits standing in, or allowing aggregate to enter the wetted perimeter when collecting or excavating aggregate. This is really confusing. Under WAC 220-110-201(6)(g) I am only allowed to process ... within the wetted perimeter. I really do not understand how I am supposed to use my sluice box legally if I am not allowed to put material in it.</p>	<p>WAC 220-110-201(5)(d) deals with the collection and excavation of aggregate. Once the aggregate has been collected or excavated and classified outside of the wetted perimeter, it can be processed by pan or sluice within the wetted perimeter.</p>
<p>Remove “or a visible sediment plume (visible muddy water)” from WAC 220-110-201(6)(b) because there is no scientific proof that muddy water harms redds. Also, there is no definition of “visible sediment plume” or “visibly muddy water” forcing investigating officer to make a judgment call.</p>	<p>The clarification of “visible muddy water” was added for those that may not understand the term “visible sediment plume.” There is significant scientific evidence regarding the effects of fine sediment loading in streambeds on survival of incubating eggs and fish. Therefore, the rule as written is necessary for the protection of fish life. Individuals and WDFW officers should easily be able to identify if activities are resulting in visibly muddy water.</p>
<p>WAC 220-110-201(6)(e) requires that only classified aggregate may be processed in the water. Why do the fish care if I put larger material into the wetted perimeter through my sluice box? This appears to just be an impediment to actual work getting done efficiently for no benefit to the fish. I can understand not allowing clay or silty soils into the wetted perimeter but I have not seen any indication that putting larger cobbles into my sluice box are in any way a risk factor for damaging any part of the fish life cycle or habitat.</p>	<p>For prospecting occurring without timing restrictions, the rules are intended to reduce activity within the wetted perimeter to protect incubating fish eggs and alevins. Requiring that materials first be classified, limits the amount of material that would be deposited within the stream during these sensitive life stages.</p>
<p>WAC 220-110-201(6)(g) requires using a sluice only in areas composed primarily of boulders and bedrock. I have never actually set up my sluice as you describe on boulders or bedrock. I am always over cobbles, gravel, and/or sand, not boulders. I do not know where I would find such a place to set up my sluice that would be both safe and a reasonable distance to a source of gravel to process. This again is a case of making a rule with no apparent benefit to fish but a huge impact on me being able to do the small-scale mining I do. Also, there is no definition for structure in this rule. Usually the structures that are employed are nothing more than a few boulders used to channel the flow of water into the sluice. If I moved a boulder to improve the flow through a sluice box, would it be a violation? If so how could a person possibly sluice legally?</p>	<p>Sluice use is restricted to boulder and bedrock areas, as fish eggs or fry would not be expected in these areas. Allowing sluice use in other areas could result in tailing deposition over redds, which could reduce egg and alevin survival. Individuals are not permitted to move boulders or other substrate within the wetted perimeter to operate a sluice.</p>
<p>WAC 220-110-202(18)(b) states, "You may process aggregate collected from the frequent scour zone: b) Only in the frequent scour zone or upland areas landward of the frequent scour zone if you use ... sluices that have riffle areas totaling more than three, but less than ten square feet, including ganged equipment. ... You may not discharge tailings to the wetted perimeter when using this equipment. But WAC 220-110-202(16) says, "You</p>	<p>Agreed, the current wording is confusing. WDFW proposes the following change to 220-110-202(16). You may not divert the body of water outside of the wetted perimeter except when using a pump to provide water to equipment listed in 220-110-202(1)(a, b, c, e, f).</p>

Public Comment	WDFW Response
<p>may not divert the body of water outside of the wetted perimeter." So while I have permission to have with me a sluice of more than 3 sq ft of riffle, but less than 10 sq ft, I am not allowed to use it as I would have to use it in the frequent scour zone, but would be unable to supply it with water.</p>	
SPECIFIC SUGGESTIONS	
<p>WAC 220-110-201(4)(d) and (5)(a) regarding standing in the wetted perimeter are confusing and open to interpretation.</p>	<p>Comment apparently based on previous version of proposed rules. In current proposed rules the provisions regarding standing in the wetted perimeter clearly indicate that prospectors cannot stand within the wetted perimeter whenever excavating under WAC 220-110-201. When processing with a pan, spiral wheel, or sluice, they can stand within the wetted perimeter.</p>
<p>WAC 220-110-201(5)(g) Remove the word "solely".</p>	<p>The word "solely" in 220-110-201(6)(g) has been changed to "primarily".</p>
<p>The entire section on fish screens in WAC 220-110-201, and –202 needs simplifying so that one size screen can be used for all types of equipment.</p>	<p>The screening criteria have been simplified in the current proposed rules.</p>
<p>WAC 220-110-202(8) Limiting work hours shortens work windows even more. Moving equipment every night is excessive and unnecessary.</p>	<p>The daylight restriction for in-water work allows unimpeded fish passage during the night. Equipment blocking passage must be removed during closure times to allow unhindered fish passage.</p>
<p>WAC 220-110-202(3) should state "The suction intake hose nozzle diameter of suction dredges and power sluice/suction dredge combinations must not exceed the diameter allowed in the listing for the stream or stream reach where you are operating, as identified in WAC 220-110-206". The equipment is currently sized by inside diameter of the nozzle, not the intake hose, as it was previously.</p>	<p>No rule change is needed. The WAC cited is correctly cross-referencing a hose size restriction in WAC 220-10-206, which is separate from the nozzle diameter restriction. Both nozzle and hose diameter restrictions are included in the proposed rules.</p>
<p>Prospector, without adequate geological understanding, is left to determine stability of slope (need to define "stable slope" and better define "unstable slope"). Need to retain 1999 rule prohibiting excavation between OHWL and 200 feet above OHWL.</p>	<p>The proposed definition of unstable slopes includes information on indicators of instability such as landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, recent erosion of soils and sediment, and absence of woody vegetation. WDFW will add a definition of stable slope to read: "Stable slope means a slope without visible evidence of slumping, sloughing or other movement. Stable slopes will not show evidence of landslides, uprooted or tilted trees, exposed soils, water-saturated soils, and mud, or the recent erosion of soils and sediment. Woody vegetation is typically present on stable slopes". In addition, WDFW will work with the prospecting community to provide education on recognizing unstable slopes. Prospectors are not required to determine OHWL in proposed rules. They do need to recognize the location of the "frequent scour zone", but that term is clearly defined and the location should be easier to recognize than OHWL.</p>
<p>WDFW must immediately remove the requirement included in many mineral prospecting HPAs to get a Notice of Intent from USFS in order to validate or utilize their HPA.</p>	<p>WDFW sometimes includes language in HPAs notifying permittees that they may need to comply with other regulating agency requirements. This advisory language is included in notes at the end of the HPA, and is not legally binding through WDFW's authority. The proposed rules do not address the formatting or content that permit writers include in HPAs.</p>
<p>Same as with fishing, if you are 15 years old or</p>	<p>The exemption for children prospectors in the current rules was</p>

Public Comment	WDFW Response
<p>younger you should not need a Gold and Fish pamphlet to operate a dredge. It sure would be nice if my 10 year old granddaughter could operate a small dredge near mine & not have to be 200 feet down river.</p>	<p>removed from the proposed rules. That exemption was largely based on a concern about safety. This concern has been eliminated in the proposed rules because there is no longer a restriction on the number of people that can work together on a site. No one, including children, will be required to have the Gold and Fish pamphlet if operating under WAC 220-110-201. Children, as well as all other prospectors, will have to have a Gold and Fish pamphlet at the job site when operating under WAC 220-110-202. Because there will no longer be a limit on the number of prospectors at a site, children can work alongside parents or any number of other prospectors. However, to protect fish and habitat from cumulative impacts of multiple dredges operating in close proximity, the 200-foot separation must be followed by prospectors of all ages.</p>
<p>The maximum daily civil penalty should be indexed to a measure of inflation.</p>	<p>Maximum civil penalties are established in statute by the Legislature. WDFW cannot change civil penalties through rule adoption.</p>
<p>The prohibition on use of vehicle-mounted winches does not appear to be fact based. There are no real differences between a portable winch and a vehicle mounted winch. I suggest that this be changed to: <i>You may use a vehicle-mounted winch only if the vehicle remains outside of the wetted perimeter and frequent scour zone and is located such that the vehicle and winch cable do not cause damage to the stream bank.</i></p>	<p>No rule change is needed. The workgroup agreed with the winch restrictions because portable winches are necessarily limited in size and power. Undefined motor vehicle winches would be of unlimited size, and could even include such things as tow truck winches, capable of moving material weighing many tons. In cases where prospectors cannot accomplish their activities under the proposed rules and the Gold and Fish pamphlet they may submit applications for approval of their projects through the issuance of individual HPAs. WDFW will grant those approvals provided fish life can be protected or the impacts of the project mitigated for.</p>
<p>The use of the term “embedded” needs to be explained or modified. Most if not all boulders are embedded to some extent, that is to say some part of the boulder is below the level of adjacent sand/gravel/cobbles. Boulders tend to displace smaller and lighter materials. If the sand and gravel is dredged or dug out from around a boulder it would no longer be embedded. This creates a legal ambiguity.</p>	<p>No rule change is needed. As used in the proposed rules, the term “embedded” is the same as the common dictionary definition, and so further definition in rule is not necessary.</p>
<p>Figure 1 should be changed to identify the location of the nozzle diameter that is being regulated. The new limitation on the hose being only 1 inch larger than the nozzle does not have any scientific basis and should be eliminated. It would also prevent the use of a two inch nozzle on a four inch hose, which is an unnecessary restriction.</p>	<p>Figure 1 clearly is identified as a suction dredge nozzle and does not require modification. The larger hose size is necessary to avoid the hose from plugging with material that passes through the nozzle. The limitation on the hose size is necessary to prevent the use of significantly larger dredges than designed for the authorized nozzle size, with potential greater impacts on the streambed. In cases where prospectors cannot accomplish their activities under the proposed rules and the Gold and Fish pamphlet they may submit applications for approval of their projects through the issuance of individual HPAs. WDFW will grant those approvals provided fish life can be protected or the impacts of the project mitigated for.</p>
<p>In the screening criteria rule, suggest changing the wording "functional screen area" to "open screen area". This rule also needs some help as most persons cannot determine the actual GPM flow of their pumps, nor are the pumps marked with a flow</p>	<p>No change to the rule is needed. The proposed change in the screening criteria would change the intent of the rule. Functional screen area refers to the surface area of the screen that is not blocked by screen framework or structural components and that can allow water to pass. Open screen area could be interpreted as</p>

Public Comment	WDFW Response
<p>rating. It would be difficult or impossible to enforce this law. Perhaps just set a minimum open area of two hundred squares inches for all pumps.</p>	<p>the sum of the screen opening surface area, a much different screen parameter. Prospectors will be responsible for knowing the flow rating of their pumps. If this information is not attached to the pump, it can be obtained from the manufacturer. Screens to prevent intake of fish will have to be sized accordingly. Setting a minimum of 200 square inches would result in undersized screens in some instances, jeopardizing small fish.</p>
<p>The proposed rules contain a provision that states “You must separate by a minimum of two hundred feet as measured as a radius from the equipment all sluices and rocker boxes with a riffle area exceeding three square feet, suction dredges, power sluice/suction dredge combinations, high-bankers, and power sluices operating outside of the wetted perimeter that discharges tailings or wastewater to the wetted perimeter. However, you may locate this equipment closer than two hundred feet if only one piece of equipment is operating. See Figure 2.” I am not aware of any scientific reason for 200 ft. separation of equipment, and it seems arbitrary to just impose an unnecessary limitation. Without a tape measure it is often difficult to gauge the distance between equipment. It is suggested that this requirement be dropped as it is baseless. If it must be retained, then a shorter distance should be considered (50 ft.). Also, Figure 2 should show the radius of a circle, not an ellipse.</p>	<p>The mineral prospecting white paper addressed studies examining sediment plumes generated from dredging activities. The requirement to space active equipment at least 200 feet from other active equipment is supported by information presented in the white paper. To avoid cumulative impacts of sediment generated by dredges, they must be separated by a minimum distances. Figure 2 was compressed in the document provided to WDFW by the Code Reviser’s Office. The figure published in the Washington State Register is correct. The graphic published in the Gold and Fish pamphlet will show a circle rather than an oval.</p>
<p>“Forks” does not appear to have geographic relevance to the Cedar River. Any reach break should be commonly known and readily locatable.</p>	<p>In response to comments received on this issue during the SEPA comment period, WDFW declined to modify the work window listing for the Cedar River. Upon reconsideration, WDFW now agrees that a change would clarify the location of the forks. WDFW will change the listing to read: “Cedar River (08.0299) – Mouth to Cedar Falls Dam” and “Cedar River (08.0299) - “Upstream of Cedar Falls Dam”</p>
<p>There are no provisions or allowance for water rights, which are required to operate a highbanker outside the Ordinary High Water Line.</p>	<p>Water rights are administered by Washington Department of Ecology and cannot be included in the proposed rules. Information on water rights likely will be included in the Gold and Fish pamphlet for prospectors’ reference.</p>
WORK WINDOWS ARE BASED ON INAPPROPRIATELY APPLIED TEMPERATURE UNITS	
<p>New work windows are punitive and prohibitive in nature, and based on hatchery TUs. Extrapolating theoretical date for fish emergence is a guess, not science.</p> <p>Authorized in-water work periods were developed utilizing TUs/science used in hatcheries, which does not correspond to real in-stream environments.</p> <p>We respectfully believe that WDFW has created the Thermal, Temperature Unit (TU) Time Frames for suction dredging out of nowhere, and are attempting to shove them down the Mineral Estate</p>	<p>WDFW did discuss work windows extensively during the workgroup development of the proposed rules. The proposed work windows are based on the need to avoid in-water work during egg and fry incubation. These work windows were developed with input from local, state, tribal, and federal fish biologists throughout the state, and by using scientific data for particular streams and known timing of the development of fish embryos exposed to various water temperatures. Work windows are not punitive but are based on the best available science. WDFW modified initial draft work windows whenever stakeholders provided reasonable evidence that they were not appropriate and where stream segments could be partitioned into smaller reaches based on fish species present to provide greater mineral prospecting opportunity. Other work windows were modified as a</p>

Public Comment	WDFW Response
<p>Grantees (mining claim owners) throats.</p> <p>WDFW has no science to support this theory in the field (Such science does not exist, WDFW is basing all this on "studies" done not in the field but instead at hatcheries and other "in house" sites... and any such "studies" have been proven to NOT represent what happens in the field.)</p>	<p>result of comments and data provided during the SEPA review process. WDFW does have records on file regarding the concept of temperature units and fish development. The progression of embryonic development stages of salmonids and other fish life in response to water temperature is well documented in scientific literature.</p>
<p>Federal law requires rulemaking to be based on best available science. FOIA request found no scientific studies regarding TUs, and TUs not mentioned in mineral prospecting white paper.</p>	<p>The proposed rules are proposed under state statutes, not federal law. Federal law does not apply in this case. WDFW does have records on file regarding the concept of temperature units and fish development. The progression of embryonic development stages of salmonids and other fish life in response to water temperature is well documented in scientific literature.</p>
<p>WDFW used unsound science to develop proposed rules. Using temperature units to determine work windows is seriously flawed. Some work windows are particularly unreasonable because some waters have NO fish at all. In general, the proposed work windows are extremely restrictive with absolutely no scientific or reasonable foundation.</p> <p>I do not believe that the elimination of September mining in many of my favorite rivers will help the spawning salmon. The science of TU's in the river is flawed, otherwise we would have eliminated salmon in the river many years ago. The argument that the work times are more days than we have now is flawed. Who wants to break ice and snow to get to the rivers open until Feb 28? I suggest that we keep the current work times that were established in the 1999 Gold and Fish book and have served us well.</p>	<p>All work windows were reviewed using current information available to WDFW regarding fish species present in waters of the state and life history timing within those waters. This was required because the current rules were based on information available in 1998 and in many cases were outdated. WDFW proposes prohibiting most in-water prospecting activities during periods when eggs or fry are in the gravel. The work window review has resulted in changed work windows for many streams. Some of these changes resulted in shortened work windows; others in lengthened work windows. Because the work windows are based on the spawning, incubation, and emergence times of fish life, mineral prospecting can be permitted during the fall and winter months in many streams. WDFW can allow in-water work during the winter in some streams even though this may not be an ideal time for prospectors because fish in these waters are not incubating. Certain prospecting activities using primarily nonmotorized equipment and tools is allowed year-round in most areas provided prospectors do not excavate aggregate in the water. Prospectors desiring exception to the timing in the proposed rules can apply for individual HPAs. WDFW will review those requests, and if the site-specific conditions allow relief from these work windows, WDFW will issue an individual HPA for that work.</p>
<p>TUs will increase the number of JARPAs submitted for individual HPAs.</p>	<p>It remains to be seen whether adoption of the proposed rules will result in an increase in the number of prospecting applications. WDFW will process all applications received. WDFW will review those requests, and if the site-specific conditions allow relief from these work windows, WDFW will issue an individual HPA for that work.</p>
PARITY WITH ANGLERS AND OTHER USERS	
<p>Are fishermen and other user groups going to be required to use the same work windows as the small scale prospector? If not that's discrimination.</p>	<p>The proposed work windows are specific to mineral prospecting activities. Anglers are not regulated under Chapter 77.55 RCW because they are not conducting hydraulic projects, and so are not bound by anything in the proposed rules. The work windows will be used as guidance to WDFW biologists when they issue HPAs to applicants for other types of hydraulic projects, but they are not required to use them. This is because other project types have different impacts and in many cases can be avoided or mitigated for through methods other than following the work windows proposed for mineral prospecting activities.</p>

Public Comment	WDFW Response
<p>If WDFW wants to protect fish, you should close the fishing season. Fishers kill more fish than dredgers do.</p> <p>Even if there was proven harm to fish by dredgers (which there is not one single shred of evidence), how would the factual and documentable harm by fisherman compare to what 30-50 miners could do on a part time basis?</p>	<p>Fishing regulations are adopted by WDFW under authority of a different statute than the mineral prospecting rules. WDFW adopts these regulations to enable fish populations to thrive and has closed fishing seasons when appropriate and necessary. The proposed mineral prospecting rules are specific to mineral prospecting activities and are designed to allow as much prospecting activity as possible while protecting fish life from the impacts of mineral prospecting.</p> <p>WDFW cannot legally wait until after harm to fish from a hydraulic project is documented before requiring conditions on how that project is conducted; it must take action to prevent that potential harm. The proposed rules comply with that statute by appropriately and adequately accounting for these potential impacts. Anglers are not regulated under Chapter 77.55 RCW because they are not conducting hydraulic projects, and so are not bound by anything in the proposed rules.</p>
<p>Regulation on prospectors is unfair and don't give equal consideration compared with other aquatic activities. Prospectors and miners should be given the same consideration, and definitions, as to all other agencies and individuals.</p> <p>In-water work times are not established equally to all users (ORV, boaters, fishermen, floaters) of the States Rivers/streams.</p> <p>The work windows for the small scale prospectors have been drastically shortened but much of the fisherman's regulations are being lengthened.</p> <p>If it's safe for fishermen to kill millions of fish just for the fun of it, then it's also safe for small scale miners to work in the same time frame since they are not harming fish. Therefore the mining work windows should coincide with the fishing season.</p> <p>The proposed rules and restrictions, especially the time windows, are, in my opinion, extremely excessive. When one compares these rules to those that regulate other outdoor activities, such as fishing and hunting, it appears that we miners are being discriminated against by a person or group in Olympia for some unknown reason.</p>	<p>WDFW regulates all hydraulic projects, including mineral prospecting, under authority of Chapter 77.55 RCW. Under this statute, WDFW must provide for the proper protection of fish life, and adopts rules to avoid or mitigate the impacts of each type of activity. Therefore, each type of activity has different requirements. Activities that are not hydraulic projects cannot be regulated under authority of Chapter 77.55 RCW, and so are bound by much different requirements.</p> <p>For example, fishing regulations are adopted by WDFW under authority of a different statute than the mineral prospecting rules. WDFW adopts these regulations to enable fish populations to thrive and has closed fishing seasons when appropriate and necessary. Anglers are not regulated under Chapter 77.55 RCW because they are not conducting hydraulic projects, and so are not bound by anything in the proposed rules. Where common considerations and definitions are warranted in rules proposed for hydraulic projects, WDFW uses them. For example, all projects withdrawing water from streams with fish in them are required to screen the water intake.</p>
<p>The number of persons engaged in mineral prospecting and small scale mining is tiny and insignificant in comparison with the number of people engaged in permitted activities that negatively impact the sustainability of fish resources in our state.</p>	<p>WDFW is required by Chapter 77.55 RCW to avoid or mitigate the impacts of hydraulic projects, including mineral prospecting, regardless of the number of participants in the activity being regulated. The development of new proposed rules for mineral prospecting was implemented at the specific request of prospectors throughout the state to the Fish and Wildlife Commission. These rules are based not only on published scientific literature, but also on the experience of biologists and prospectors that helped develop the rules.</p>

Public Comment	WDFW Response
TRIBAL AND FEDERAL CONCERNS	
<p>List of rivers/streams in proposed WAC 220-110-206 include USFWS core area habitat and designated critical habitat for bull trout. Operation of mechanical equipment may harass/harm juvenile bull trout and their spawning and rearing habitat. WDFW should disallow mineral prospecting in bull trout core or critical habitat (in USFWS draft Bull Trout Recovery Plan).</p>	<p>WDFW has proposed rules that protect bull trout and other fish life species from impacts of prospecting activities during vulnerable life stages. Prospecting activities do not need to be totally prohibited in critical habitat waters provided prospectors follow all the proposed rules when conducting their activities.</p>
<p>Much of the area in the proposed rule is under jurisdiction of USFS. WDFW must alert prospector to any USFS permit requirements.</p>	<p>WDFW will recommend to the Fish and Wildlife Commission the inclusion of a rule provision that states, “nothing in these rules relieves a person of the duty to obtain landowner permission and any other necessary permits before conducting any mineral prospecting activity.” WDFW will also include language in the Gold and Fish pamphlet and on the WDFW website advising prospectors of the need to contact other permitting agencies and landowners to determine if additional authorization for their activities is required.</p>
<p>The State of Washington has no authority to approve mineral prospecting on lands within tribal reservations. There is no provision for tribal review or approval of proposed actions that will impact tribal natural and cultural resources.</p>	<p>WDFW will revise language of the last listing the table contained in WAC 220-110-206 which requires prospectors to submit applications for mineral prospecting projects to read: “All waters within Indian tribal reservation, national park, state park, or wilderness boundaries”. WDFW will recommend to the Fish and Wildlife Commission the inclusion of a rule provision that states, “nothing in these rules relieves a person of the duty to obtain landowner permission and any other necessary permits before conducting any mineral prospecting activity.” WDFW will also include language in the Gold and Fish pamphlet and on the WDFW website advising prospectors of the need to contact other permitting agencies and landowners to determine if additional authorization for their activities is required. If tribes believe the proposed rules are not restrictive enough, they may require additional conditions on prospectors within lands over which the tribes have regulatory authority. WDFW is developing a pilot project to allow tribal biologists to have a meaningful review and comment period prior to WDFW issuing HPAs for all hydraulic projects. If the pilot project is successful, WDFW intends to implement the procedure statewide.</p>
<p>Tribes have great concerns for the water quality and aquatic resources that they have invested so heavily in. The proposed rules go directly against all tribal water quality codes and laws.</p>	<p>The proposed restrictions on mineral prospecting activities provide for the proper protection of fish life and habitat without requiring overly burdensome requirements of mineral prospectors. If tribes believe the proposed rules are not restrictive enough, they may require additional conditions on prospectors within lands over which the tribes have regulatory authority.</p>
<p>We have great concern that the proposed rules allow disturbance of historic placer mine tailings containing lead, arsenic, mercury, and/or cadmium. Disturbance of stable tailings will redistribute these polluted deposits into fish-bearing waters.</p>	<p>WDFW will include language in the proposed rules making prospecting in known contaminated areas prohibited under the Gold and Fish pamphlet. Individual applications will be required in these areas, and any HPAs issued will contain provisions protecting fish life from contaminated sediments. WDFW will include information in the Gold and Fish pamphlet informing prospectors that other agencies and landowners need to be contacted prior to conducting work. Where interested parties can identify specific reaches of particular concern, WDFW will</p>

Public Comment	WDFW Response
	consider changing the work window to “submit application” as has been proposed for some streams in the Teck Cominco lawsuit area of the Upper Columbia River.
<p>Tribe is very concerned about the process used to develop the proposed rules and the dysfunctional manner of the group tasked to develop the rules. WDFW commissioned a white paper examining the impacts of mineral prospecting activities, but ignored its findings and the tribe’s comments during SEPA review. The proposed rules, therefore, allow miners to make their own determinations about re-routing streams, habitat features, water withdrawal of up to 50% of the surface water flow, and use of highly erosive methods of hydraulic mining below and above the high water mark. Critical matrices of impacts are left to the miner to determine slope stability, fish redds, fry, and spawning as well as water quality impacts.</p>	<p>The tribe making this comment provided a representative to the workgroup that developed the draft rules, but these specific concerns with the proposed rules were not raised at the workgroup meetings. WDFW has not ignored the findings of the mineral prospecting white paper. The authors of that white paper attempted to review all the pertinent literature regarding impacts of mineral prospecting activities. There have been relatively few scientific studies directed specifically at the types of equipment and their use addressed by the proposed rules. Of those that have been conducted, though, some have found impacts that we have addressed in the proposed rules. For example, scientific literature has documented increased scour of redds created in fresh dredge tailings when those tailings are subsequently subjected to high flows. Some scientific literature documents a temporary reduction of macroinvertebrate populations subjected to dredging. Other science documents significant mortality of eggs passed through a dredge. There is significant scientific evidence regarding the effects of fine sediment loading in streambeds on survival of incubating eggs and fish. The proposed rules appropriately and adequately account for these potential impacts. The proposed rules were developed using more than the information contained in the white paper. For example, the proposed work windows are based on the need to avoid in-water work during egg and fry incubation. These work windows were developed with input from local, state, tribal, and federal fish biologists throughout the state, and by using scientific data for particular streams and known timing of the development of fish exposed to various water temperatures. Provided prospectors comply with the proposed rules, there will not be significant destabilization of slopes or other impacts resulting from implementation of the proposed rules. Prospecting activities regulated by the proposed rules are small scale and are unlikely to affect large areas of the landscape.</p>
<p>Proposed rules are not clear regarding Tribal members mining in their Tribal Usual and Accustomed Areas, specifically on salt water beaches, tidal areas or the ocean, where joint access may occur between Tribal and nontribal members. However it did say anyone could apply for salt water dredging. Will individual Tribes be able to issue mining permits/ suction dredging permits to its members and with the same regulations as the State of Washington or can they issue their own regulations as they do with fishing?</p>	<p>Usual and Accustomed Areas apply to hunting and fishing, but not to mineral prospecting. Tribal and non-tribal members need to adhere to the proposed rules on non-reservation lands. Within the reservation, the proposed rules would apply to non-tribal members that had permission to conduct prospecting activities on the reservation, but not to non-tribal members. Tribes may regulate tribal member mineral prospecting activities on reservations in any way they deem appropriate.</p>
<p>The USFWS’ comments and suggested timing windows on individual HPAs are provided specifically to protect spawning and rearing bull trout and bull trout habitat. We are concerned that comments provided by USFWS have not been fully considered when individual HPAs for mineral</p>	<p>WDFW would like to meet with USFWS staff to discuss how to strengthen the collaborative working relationship between our two agencies. WDFW appreciates the input received by USFWS to help ensure that HPAs are adequately protective of bull trout and other fish life.</p>

Public Comment	WDFW Response
<p>prospecting are issued by WDFW staff biologists. We encourage your HPA biologists to work collaboratively with USFWS biologists on individual HPAs to ensure adequate protection of bull trout.</p>	
<p>WDFW cannot require coordination with federal agencies. You do so in proposed WAC 220-110-030(4)(e): “The department is reviewing the application as part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days”, and in WAC 220-110-030(17): “HPAs do not exempt the applicant from obtaining other appropriate permits and following the rules or regulations”.</p>	<p>WAC 220-110-030(4)(e) is in reference to the multiagency permit team (MAP Team) that WDFW participates on along with other permitting agencies (e.g., Ecology, U.S. Army Corps of Engineers). WAC 220-110-030(17) simply informs applicants that there may be other permits and approvals that they need to legally conduct an activity. These rules do not specifically require coordination with federal agencies.</p>
ECONOMIC IMPACTS	
<p>Adoption of the proposed rules will result in economic loss to the state. In 1998 there were approximately 88 businesses in the state that sold equipment for small scale miners. Now there are 10 or less. Last year I spent \$2599 on equipment and had to order all of it from other states, because it was not available in the state of Washington. The tax loss to the state on my equipment alone was well over \$200. Multiply that by 10 or 20 or 30 and it adds up.</p> <p>There were devastating economic consequences when the 1999 Gold and Fish pamphlet was introduced. The proposed rules may benefit my business but it remains to be seen what the impact will be to prospectors needing to invest in equipment.</p>	<p>WDFW examined the likely economic impact of the proposed rules on Washington State in its Preliminary Cost Benefit Analysis. That analysis concluded that: “The probable benefits of the proposed rules are greater than their probable costs. The proposed rule changes for mineral prospecting activities maintain consistency with WDFW’s statutory requirements and reflect current understanding of prospecting methods and impacts. These changes do not increase financial costs to mineral prospectors. The proposed rules are beneficial because they provide increased opportunity through timing and equipment provisions for prospectors without an increase in risk to fish life or habitat. The monetary cost to WDFW to develop and implement these rules is insignificant when compared to the overall agency budget”.</p>
<p>SBEIS was accomplished prior to proposing Authorized Work times which will create a negative impact because of the reduced work times on the economy.</p>	<p>WDFW did not produce a small business economic impact statement. WDFW examined the likely economic impact of the proposed rules on Washington State in its Preliminary Cost Benefit Analysis. That analysis concluded that: “The probable benefits of the proposed rules are greater than their probable costs. The proposed rule changes for mineral prospecting activities maintain consistency with WDFW’s statutory requirements and reflect current understanding of prospecting methods and impacts. These changes do not increase financial costs to mineral prospectors.</p>
SPECIFIC LOCATIONS	
<p>Scotty Creek in Chelan county is currently open from July 1 to October 31, but the new dates would be from August to February. If we assume the 1999 work windows do not endanger fish, why not open Scotty Creek from July until February so we can continue to enjoy the warm summer months? Most of the area is inaccessible during the fall and certainly inaccessible during the winter.</p>	<p>All work windows, including those for Scotty and Slate creeks, were reviewed using current information available to WDFW regarding fish species present in waters of the state and life history timing within those waters. This review was required because the current rules were based on information available in 1998 and in many cases were outdated.</p> <p>The U.S. Forest Service documented the presence of fish in Slate</p>

Public Comment	WDFW Response
<p>The proposed work windows for the Slate Creek/Canyon Creek area in Whatcom County are too restrictive and unreasonable because of winter snow loads and site inaccessibility. The work window for Slate Creek upstream of the falls is not supported by adequate data. The use of temperature units as a means of limiting in-water dredging is faulty science. The data provided by WDFW includes only a newspaper article and a 1997 survey by the U.S. Forest Service. The proposed work window is October 1 – February 28. The stream will be snowed in and inaccessible during that time. Working during times other than this will require an individual HPA. I propose using the work window of July 16-February 28. While many waterways will have work windows equal to, or greater than in the current rules, many require applications to be submitted, or have greatly reduced work windows. This will require written HPAs in greater numbers than previously.</p> <p>WDFW used unsound science to develop proposed rules. Some work windows are particularly unreasonable because some waters, such as Bonita Creek, have no fish at all.</p>	<p>Creek above the falls up to Benson Creek, which is upstream of Bonita Creek. Therefore, fish are expected to be present in Slate Creek upstream of the falls and up to the first barrier in Bonita Creek. WDFW must consider this data when determining work windows to protect those fish. In addition, the state area habitat and fish biologists, as well as hatchery biologists responsible for collecting wild broodstock within Ruby Creek and its tributaries were consulted regarding spawning timing within this watershed. Rainbow trout in Ruby Creek and tributaries are known to spawn well into the month of July. Egg incubation and emergence at the temperatures observed in Ruby Creek will take well over 60 days.</p> <p>WDFW proposes prohibiting most in-water prospecting activities during periods when eggs or fry are in the gravel. The work window review has resulted in changed work windows for many streams. Some of these changes resulted in shortened work windows; others in lengthened work windows. Because the work windows are based on the spawning, incubation, and emergence times of fish life, mineral prospecting can be permitted during the fall and winter months in many streams. WDFW can allow in-water work during the winter in some streams even though this may not be an ideal time for prospectors because fish in these waters are not incubating. Certain prospecting activities using primarily nonmotorized equipment and tools is allowed year-round in most areas provided prospectors do not excavate aggregate in the water. Prospectors desiring exception to the timing in the proposed rules can apply for individual HPAs. WDFW will review those requests, and if the site-specific conditions allow relief from these work windows, WDFW will issue an individual HPA for that work. This may result in WDFW issuing more individual HPAs than in previous years, but the majority of mineral prospecting activities will still be conducted under the Gold and Fish pamphlet.</p>
<p>The North Fork Teanaway River and Cle Elum River above the dam should be closed to pamphlet use because there are few bull trout there.</p>	<p>WDFW has proposed rules that protect bull trout and other fish life species from impacts of prospecting activities during vulnerable life stages. Prospecting activities do not need to be closed to pamphlet use in all bull trout waters provided prospectors follow all the proposed rules when conducting their activities.</p>
WHITE PAPER	
<p>The mineral prospecting white paper is flawed and had the dirty smell of manipulation to it. It states that it "lacks data" on small scale mining impacts and that its recommendations are based on a limited number of research reports based mostly on large scale mining operations. NO rule changes should be made based solely on one study that admits that it lacks adequate data to make any recommendations. We miners made the workgroup aware of its bad compilation and worked around the many issues to arrive at the final proposed regulations.</p>	<p>The authors of the mineral prospecting white paper attempted to review all the pertinent literature regarding impacts of mineral prospecting activities. There have been relatively few scientific studies directed specifically at the types of equipment and their use addressed by the proposed rules. Of those that have been conducted, though, some have found impacts that we have addressed in the proposed rules. For example, scientific literature has documented increased scour of redds created in fresh dredge tailings when those tailings are subsequently subjected to high flows. Some scientific literature documents a temporary reduction of macroinvertebrate populations subjected to dredging. Other science documents significant mortality of eggs passed through a dredge. There is significant scientific evidence regarding the</p>

Public Comment	WDFW Response
	effects of fine sediment loading in streambeds on survival of incubating eggs and fish. The proposed rules appropriately and adequately account for these potential impacts. The proposed rules were developed using more than the information contained in the white paper. For example, the proposed work windows are based on the need to avoid in-water work during egg and fry incubation. These work windows were developed with input from local, state, tribal, and federal fish biologists throughout the state, and by using scientific data for particular streams and known timing of the development of fish exposed to various water temperatures.
The white paper does not take into account that a small scale miner/pro prospector can only influence where he/she is at that specific moment and only to the degree of equipment that he/she has. Not everyone has or uses a 4" or 5" dredge. Nor can a small scale miner mine or prospect in more than one site at a time.	The mineral prospecting white paper reviewed existing scientific literature that included research based on a variety of mineral prospecting equipment. The proposed rules were developed to allow as much prospecting activity as possible while still protecting fish life from the impacts of those activities. Prospecting is allowed under the proposed rules using the most common methods, including the use of pans, spiral wheels, sluices, minirocker boxes, dredges, and highbankers. Provisions specific to each of these activities and equipment types are provided in the proposed rules.
In the mineral prospecting white paper, comparing prospectors to wading anglers is unwarranted. Gold dredgers are already regulated out of the waters during these spawning periods and that in itself makes this type of allegation unwarranted. There is a big difference between the wading that a dredger might do and the wading of a fisherman. Dredgers are site specific and local, fisherman are not site specific and wade long stretches of the rivers and during the spawning periods also.	The white paper outlined the potential impacts from mineral prospecting. The potential egg mortality associated with wading was presented because if there were no work windows, then prospectors could be wading in the water during egg incubation. The comment is correct that with adequate work windows, as proposed in the rules, this potential impact will be avoided.
Another portion of the white paper covers the entrainment of fish eggs and fry by suction dredgers. How is this possible when the WDF&W has already regulated the suction dredgers out of the rivers during those periods of time for spawning?	The white paper outlined the potential impacts from mineral prospecting. The potential egg and fry mortality associated with suction dredges was presented because if there were no work windows, then prospectors could be using a suction dredge in streams when eggs and fry remain in the gravel. The comment is correct that with adequate work windows, as proposed in the rules, this potential impact will be avoided.
JARPAS/HPAS	
JARPA requirements are excessive. The JARPA requires complete plans and specifications of prospecting/mining operation and State Environmental Policy Act (SEPA) compliance. This is ridiculous for the recreational prospectors who go prospect/mining during his vacation.	The JARPA is the application used by nearly all applicants for hydraulic projects. RCW 77.55.021 requires that applicants for HPAs provide complete plans and specifications and notice of compliance with SEPA. A statute change by the Legislature is required to change these requirements.
The HPA application process is flawed. HPAs are inconsistently administered by Area Habitat Biologists. HPAs are not always issued in a timely manner. The HPAs generally have been overly restrictive if not altogether prohibitive, with no good scientific proof of harm to fish redds, fry, or returning adults. This is if WDFW even responds to one's JARPA which violates the 45 day response law. WDFW has shown in the past 4 or 5 months	The JARPA does not require different information to be submitted by prospectors over other permit applicants. Applicants need to provide enough information in the application so that WDFW can properly identify the potential impacts of that project and include the correct provisions in an HPA. Applicants not providing complete information will likely be delayed in obtaining a decision on their application. The JARPA includes information on what is required to be included in the application. WDFW has experienced some challenges in timely processing of individual

Public Comment	WDFW Response
<p>that they do not have the ability to address all (i.e., the sheer numbers) of the permits.</p> <p>The application process that was to be streamlined this year has failed to provide a way to deviate from the current regulations because certain biologists were involved, who denied or delayed the approval of HPAs in certain areas.</p>	<p>applications for mineral prospecting. However, during 2008, WDFW processed the majority of applications within statutory requirements. Few, if any applicants who did not have their application processed on time were delayed from conducting their projects. WDFW is investigating methods to improve the processing of HPAs.</p>
<p>I would like to see some teeth in the 45-day HPA processing requirement WAC 220-110-030, like it should be considered a taking and the applicant should be paid for the delay and time lost (example: \$100 a day).</p>	<p>The 45-day requirement is established in law and would require a change by the Washington State Legislature in order to implement the suggested change.</p>
<p>It was my understanding that the new Gold & Fish book was to help eliminate the need to apply for a JARPA permit. The proposed work windows will not only require the need to still apply for a JARPA permit, but will also require applying for a formal appeal once denied a JARPA permit because it has been voiced by Fish & Wildlife that JARPA's will not be issued outside the proposed work windows. This is unacceptable.</p>	<p>The Gold and Fish pamphlet is not intended to eliminate the need for individual HPAs. It is meant to provide for prospecting and mining activities that can be adequately regulated for the protection of fish life without considering site-specific details. Prospectors desiring exception to the timing in the proposed rules can apply for individual HPAs. WDFW will review those requests, and if the site-specific conditions allow relief from these work windows, WDFW will issue an individual HPA for that work.</p>
<p>The WDFW has stated that they will issue HPAs for one year, or possibly five years. A claim holder has a contract with the Federal Government to do business, not just a maybe, and should not have to re-apply in one or five years. He should be under the grandfather clause for his own protection. Once an HPA is issued it should be for life, unless the operation is changed to go outside of the original HPA, and only then if the operation is making a very significant change, for less change it should only require an amendment. To do otherwise is to create a material interference for the prospector or claim holder and the loss of any pre-existing rights granted under the mining laws of 1866 and 1872.</p>	<p>Under RCW 77.55.021, WDFW may issue HPAs for up to 5 years. WDFW is given discretion by this statute to issue HPAs for any period of time up to 5 years, but may issue only specific, limited HPAs for longer than 5 years. Mineral prospecting HPAs are limited to a maximum of 5 years. When site specific conditions allow it, WDFW will issue HPAs for 5 years. HPAs issued for less than 5 years can be renewed through the 5th year upon request, provided conditions have not changed. Reapplication is required to renew projects beyond 5 years.</p>
GENERAL CONCERNS	
<p>I believe the purpose of WDFW is to "protect" fish. It is not to harass small harmless user groups, who are not a threat to fish, as the agency has done this past decade to small scale miners.</p>	<p>WDFW has the responsibility to provide for the proper protection of fish life from the impacts of hydraulic projects under authority of Chapter 77.55 RCW. The proposed rules comply with that responsibility and are designed to prevent significant impacts and protect fish life while giving prospectors as much opportunity to conduct their activities as possible.</p>
<p>These rules are far too complex and therefore open to multiple interpretations. There appears to be an anti-mining bias throughout the rules, when the WDFW must recognize that the working of the stream bed through suction dredging can benefit fish life. There is a lack of best practices in the new rules.</p>	<p>WDFW and the workgroup strived to make the rules as simple and clear as possible, and added many illustrations to them to assist prospectors in understanding the requirements. The workgroup included representatives of the mineral prospecting community. While every recommendation from every workgroup member could not be incorporated into the proposed rules, we did incorporate those recommendations that were consistent with our statutory requirement to protect fish life. The proposed rules are a significant improvement over the current rules and meet the directive given to the agency by the Fish and Wildlife</p>

Public Comment	WDFW Response
	Commission. While in limited cases some prospecting activities may be beneficial, there is a risk to fish life due to unregulated prospecting activities. Regulations are required to prevent significant impacts to fish life from prospecting activities. The proposed rules incorporate best practices. For example, unstable slopes may not be disturbed, and active dredges must be separated by at least 200’.
GENERAL INFORMATION PROVIDED TO WDFW	
Commenter submitted several quotations from various studies conducted at various times and locations.	Citations noted. WDFW is aware of those studies.
I am providing a packet of materials including references to scientific reports, a position paper on mineral prospecting rules, and compilation of testimony.	Thank you.
The Miner’s Council stands by its position paper presented to the Commission in November 2007.	The Commission will consider all comments and testimony it and WDFW receives regarding the proposed rules when it determines whether to adopt, modify, or reject the proposed rules. Your support of your position paper is noted.