

Contents

220-110-010	Purpose.	3
220-110-011	Instructions for using chapter 220-110 WAC.....	4
220-110-020	Definitions.	5
220-110-030	Procedures—hydraulic project approvals.....	20
220-110-031	Procedures—pamphlet hydraulic project approvals.....	30
220-110-032	Applicability, modification of hydraulic project approval requirements.....	31
220-110-035	Miscellaneous hydraulic projects — permit requirements and exemptions.....	33
220-110-036	General requirements for the issuance of all hydraulic project approvals.	35
220-110-037	General construction provisions.....	38
220-110-038	Compensatory mitigation monitoring requirements.....	43
220-110-039	Adaptive management for the HPA program	44
220-110-041	Authorized work times in freshwater areas.....	48
220-110-046 (formerly -271)	Authorized work times in saltwater areas.....	49
220-110-047 (formerly -240)	Tidal reference areas.....	52
220-110-049 (formerly -250)	Saltwater habitats of special concern.....	54
220-110-051	Forage fish spawning surveys	56
220-110-052	Seagrass and macroalgae habitat surveys	57
220-110-053	Fish removal and exclusion.....	58
220-110-055 (formerly -050, -223, -280, and -285)	[Bulkheads and bank protection]/[Shoreline and stream bank stabilization]	59
220-110-063	Buoys.....	67
220-110-064	Log booming and storage.....	69
220-110-065 (formerly -060 and -300)	Docks (piers, ramps, and floats) and pilings	71
220-110-066 (formerly -330)	Marinas and marine terminals.....	75
220-110-067 (formerly -224 and -290)	Boat ramps, launches, and hoists.....	77
220-110-068	Barge landing sites	79
220-110-069	Covered moorage, boathouses, houseboats, and associated moorage.....	80
220-110-070	Water crossing structures	82
220-110-071	Tide gates, flood gates, and associated structures.....	89
220-110-075	Fishways	91

220-110-076	Fish guards/screens.....	97
220-110-080	Channel change or realignment.....	103
220-110-105 (formerly -100 and -310)	Conduits.....	105
220-110-115 (formerly -130 and -320)	Dredging	107
220-110-120	(formerly Temporary bypass culvert, flume, or channel) Work area isolation	109
220-110-140	Gravel removal.....	112
220-110-150	Large woody material	114
220-110-155	Channel grade control structures	115
220-110-160 (formerly Felling and yarding of timber)	Forest practices activities	116
220-110-170	Outfall structures	119
220-110-171	Dikes and levees.....	121
220-110-172	Dams and weirs.....	123
220-110-180	Pond construction.....	124
220-110-190	Water diversions and intakes.....	125
220-110-200	Mineral prospecting.....	130
220-110-201	Mineral prospecting without timing restrictions.....	131
220-110-202	Mineral prospecting with timing restrictions.	134
220-110-206	Authorized work times and mineral prospecting equipment restrictions by specific state waters for mineral prospecting and placer mining projects.....	139
220-110-211	Streamlined review of certain fish habitat enhancement projects	208
220-110-213	Beaver dam management.....	211
220-110-331 (formerly -331 through -338)	Aquatic plant removal and control technical provisions.	213
220-110-335	Aquaculture.....	219
220-110-340	Informal appeal of adverse administrative actions.	220
220-110-350	Formal appeal of administrative actions.	222
220-110-360	Penalties.....	224

1 **220-110-010 Purpose.**¹

2 It is the intent of the department to provide protection for all fish life through the development
3 of a statewide system of consistent and predictable rules. The department will coordinate with
4 other local, state, and federal regulatory agencies, and tribal governments, to minimize
5 regulatory duplication. Under chapter 77.55 RCW, this chapter establishes regulations for the
6 construction of hydraulic projects or performance of work that will use, divert, obstruct, or
7 change the natural flow or bed of any of the salt or fresh waters of the state, and sets forth
8 procedures for obtaining a hydraulic project approval (HPA). In addition, this chapter
9 incorporates criteria generally used by the department to review applications and condition,
10 issue, or deny HPAs.

¹ We have not finished editing the language in this draft rule using “plain talk” principles (such as using active voice) or decided on the overall style (such as question/answer or list format). That will happen in a later draft. We may also, in the future, eliminate language that is simply restating RCW, not clarifying or implementing it.

DRAFT

1 **220-110-011 Instructions for using chapter 220-110 WAC.**

2 The following sections establish performance and technical standards applicable to all HPAs, as
3 well as those specific to certain types of work. All projects must meet the standards listed in
4 WAC 220-110-036XXX²—General Requirements for all HPAs, and any of the standards listed in
5 WAC 220-110-037XXX through 220-110-339XXX that apply to the specific project and location.

6 Activity-specific standards are grouped for convenience by project type, and activity-specific
7 sections include performance standards and technical standards that must be met for certain
8 types of activities. Project types other than those specifically identified in Chapter 220-110 may
9 be proposed and approved. These project types are subject to the performance and technical
10 standards in Chapter 220-110 that most closely apply as well as additional standards the
11 department determines are necessary for the protection of fish life.

12 Chapter 220-110 WAC constitutes the minimum performance and technical standards hydraulic
13 projects must meet. The department may specify additional standards in HPAs.

14 In addition to these rules, the department has developed, and will periodically update, an
15 extensive set of guidance and other materials to assist applicants with developing hydraulic
16 projects that will provide for the protection of fish life. Department recommendations included
17 in guidance are not mandatory, but are based on the department’s considerable experience
18 and expertise with various types of hydraulic projects. Following these recommendations will
19 maximize the potential for successful hydraulic projects.

² Throughout this draft, “XXX” is used to indicate text that is still in development, or cross-references that need to be checked.

1 **220-110-020 Definitions.**

2 As used in this chapter³, unless the context clearly requires otherwise:

3 "Abandoning an excavation site" means not working an excavation site for forty-eight hours or
4 longer.

5 "Adaptive management" means a process of managing, monitoring, evaluating, and
6 incorporating new knowledge to improve outcomes of future management decisions. Adaptive
7 management is based on science and the needs of society, and moves forward with action in
8 the face of uncertainty or limited information.

9 "Aggregate" means a mixture of minerals separable by mechanical or physical means.

10 "Approach velocity" means the component of the local water velocity vector perpendicular to
11 the face of the screen. The approach velocity is calculated based on the gross screen area not
12 the net open area of the screen mesh.

13 "Aquatic beneficial plant" means native and nonnative aquatic plants not prescribed by RCW
14 17.10.010(10) as an aquatic noxious weed, and that are of value to fish life.

15 "Aquatic invasive species" means nonnative species classified by the Washington fish and
16 wildlife commission under RCW 77.12.020 as prohibited aquatic animal species or regulated
17 aquatic animal species, and an aquatic noxious weed that is listed on the state weed list under
18 RCW 17.10.080.

19 "Aquatic noxious weed" means an aquatic weed on the state noxious weed list as prescribed by
20 RCW 17.10.080.

21 "Aquatic plant" means any aquatic noxious weed and aquatic beneficial plant that occurs within
22 the ordinary high water line of waters of the state.

23 "Artificial materials" means clean, inert materials that you use to construct diversion structures
24 for mineral prospecting.

25 "Associated man-made agricultural drainage facilities" means dikes, drains, pumps, drainage
26 tiles and drainage pipe made by humans that protect land used for agricultural uses.

27 "Bank" means any land surface landward of the ordinary high water line that adjoins a body of
28 water and contains it except during floods. Bank also includes all land surfaces of islands above
29 the ordinary high water line elevation of their surrounding water body.

30 "Bankfull" means the elevation on the bank where flooding begins.

31 "Bank protection" means any structure designed and installed to prevent, slow, or control
32 erosion along streams, in freshwater lakes, in estuaries, or on marine shorelines.

33 "Bed" means the land below the ordinary high water lines of state waters. This definition does
34 not include irrigation ditches, canals, storm water run-off devices, or other artificial
35 watercourses except where they exist in a natural watercourse that has been altered artificially.

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

39 "Bioengineering" means project designs or construction methods which primarily use live
40 woody vegetation or a combination of live woody vegetation, rootwads, logs, and specially
41 developed natural or synthetic materials to establish a complex root grid within the existing
42 bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian
43 environment with habitat features important to fish life.

44 "Boat hoist" means a structure placed on the bottom of lakes, streams, or marine waters, or
45 attached to docks, that raise a boat or personal watercraft from the water.

46 "Bottom barrier or screen" means synthetic or natural fiber sheets of material used to cover
47 and kill plants growing on the bottom of a watercourse.

48 "Boulder" means a stream substrate particle larger than ten inches in diameter.

49 "Bucking" means the act of processing or cutting trees or logs to length.

50 "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to
51 the shoreline consisting of concrete, timber, steel, rock, or other permanent material not
52 readily subject to erosion.

53 "Buoy" means any waterway marker designed to float on the water while anchored in a fixed
54 position so as to be clearly visible to operators of an approaching vessel.

55 "Chronic danger" means a condition that may be declared by the county legislative authority or
56 county legislative authority designee in which any property, except for property located on a
57 marine shoreline, has experienced at least two consecutive years of flooding or erosion that has
58 damaged or has threatened to damage a major structure, water supply system, septic system,
59 or access to any road or highway.

60 "Chronic danger HPA" means a written "hydraulic project approval" issued in response to a
61 "chronic danger".

62 "Chronic maintenance and repair" means maintenance and repair that exceeds expectations of
63 frequency and magnitude as identified in the initial project.

64 "Classify" means to sort aggregate by hand or through a screen, grizzly, or similar device to
65 remove the larger material and concentrate the remaining aggregate.

66 "Cofferdam" means a temporary enclosure used to keep water from a work area.

67 "Compensation" means replacing or providing substitute resources or environments.

68 "Compliance monitoring" means the process used to determine whether a hydraulic project is
69 carried out as specified in the HPA.

70 "Concentrator" means a device used to physically or mechanically separate the valuable
71 mineral content from aggregate.

72 "Control," with respect to aquatic noxious weeds, means the level of treatment of aquatic
73 noxious weeds as prescribed by RCW 17.10.010(5).

74 "County legislative authority" means the county commission, council, or other legislative body.

75 "County legislative designee" means a person designated by the county legislative authority to
76 act on its behalf.

77 "Crevicing" means removing aggregate from cracks and crevices using hand-held mineral
78 prospecting tools or water pressure.

79 "Cross-section" means a representation of a structure, or portion thereof, and the natural
80 waterbody features, drawn as if it were cut horizontally to show its interior; often taken at right
81 angles to the longitudinal axis of the structure.

82 "Department" means the Washington department of fish and wildlife.

83 "Design flood" means a stream discharge of a specific rate and probability that is best suited for
84 the design of a project to promote the geomorphological evolution of habitat, or to protect
85 property and structures to a given level of risk.

86 "Design life" means the length of time a structure is expected to function as it was designed,
87 with each component serving its intended purpose as constructed.

88 "Directional felling" means a method of falling a standing tree which causes it to fall in a specific
89 predetermined direction. Cables and jacks are commonly used to directionally fall trees.

90 "Diver-operated dredging" means the use of portable suction or hydraulic dredges held by
91 divers to remove aquatic plants.

92 "Dredging" means removal of bed material using other than hand-held tools.

93 "Early infestation" means an aquatic noxious weed whose stage of development, life history, or
94 area of coverage makes one hundred percent control and eradication as prescribed by RCW
95 17.10.010(5) likely to occur.

96 "Ecological integrity" means maintenance of the structure and functional attributes of a
97 particular locale, including normal variability.

98 "Ecosystem" means a community of organisms in their physical and chemical environment
99 interacting as a mutually interdependent and competitive unit.

100 "Ecosystem connectivity" means the capacity of the landscape to support the movement of
101 organisms, materials or energy.

102 "Ecosystem process" means physical processes that control local habitat structure and
103 composition (e.g. vegetation, substrate), including where habitat occurs and how much is
104 present. In turn, habitat structure is linked to support [habitat] processes, such as shading or
105 cover, which are linked to ecological functions.

106 "Effectiveness monitoring" means the process used to determine whether the actions taken
107 have achieved no-net-loss of the productive capacity of fish habitat.

108 "Emergency" means an immediate threat to life, public or private property, or an immediate
109 threat of serious environmental degradation, arising from weather or stream flow conditions,
110 other natural conditions, or fire.

111 "Emergency HPA" means an oral or written "hydraulic project approval" issued in response to
112 an "emergency".

113 "Entrained" means the entrapment of fish into a watercourse diversion without the presence of
114 a screen or other fish exclusion device into high velocity water along the face of an improperly
115 designed screen, or into the vegetation cut by a mechanical harvester.

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

119 "Eradication" with respect to aquatic noxious weeds means "control."

120 "Established ford" means a crossing place in a watercourse that was in existence and annually
121 used prior to 1986 or subsequently permitted by the department, and has identifiable
122 approaches on the banks.

123 "Excavation line" means a line on the dry bed, at or parallel to the water's edge, the distance
124 from the water's edge to be determined by the department on a site-specific basis. The
125 excavation line may change with water level fluctuations.

126 "Excavation site" means the pit, furrow, or hole from which you remove aggregate to process
127 and recover minerals or into which wastewater is discharged to settle out sediments.

128 "Excavation zone" means the area between the "excavation line" and the bank or the center of
129 the bar.

130 "Expedited HPA" means a written "hydraulic project approval" issued in response to an
131 "imminent danger".

132 "Extreme low tide" means the lowest level reached by a receding tide during the nineteen-year
133 National Tidal Datum epoch as adopted by the National Ocean Service.

134 "Farm and agricultural land" means those lands identified as such in RCW 84.34.020.

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

138 "Fish guard" means a device installed at or near a surface water diversion headgate, or on the
139 intake of any device used for pumping water from fish-bearing waters, to prevent entrainment,
140 injury, or death of targeted aquatic species. Fish guards physically preclude fish from entering
141 the diversion or pump intake and do not rely on avoidance behavior.

142 "Fish habitat" means spawning, juvenile rearing, overwintering, migration or other habitat
143 which is used by fish during any life stage at any time of the year, including potential habitat
144 likely to be used by fish if recovered from human-caused or natural disturbances.

145 "Fish habitat enhancement project" means a freshwater or estuarine "hydraulic project" that
146 will eliminate human-made fish passage barriers, including culvert repair and replacement;
147 restore an eroded or unstable streambank employing the principle of bioengineering, including
148 limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on
149 using native vegetation to control the erosive forces of flowing water; or that places woody
150 material or other instream structures that benefit naturally reproducing fish stocks.

151 "Fish ladder" means artificial structures that are used to provide passage through, over, and/or
152 around artificial barriers. They provide a graduated change in gradient with refuge areas
153 allowing fish to navigate past the barriers.

154 "Fish life" means all fish species, including but not limited to food fish, shellfish, game fish, and
155 other nonclassified fish species and all stages of development of those species.

156 "Fish screen" means "fish guard."

157 "Fishway" means any facility or device that is designed to enable fish to effectively pass around
158 or through an obstruction without undue stress or delay.

159 "Flood gate" means a structure through which water flows freely in one direction but is
160 prevented from flowing in the other direction to control river flooding.

161 "Flow" means the natural movement of fresh or salt water.

162 "Flow spreader" means a structure to prevent the concentration of flood flow into narrow
163 erosive channels.

164 "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that
165 shall not be fished for except as authorized by rule of the director of the Washington
166 department of fish and wildlife.

167 "Frequent scour zone" means the area between the wetted perimeter and the toe of the slope,
168 comprised of aggregate, boulders, or bedrock. Organic soils are not present in the frequent
169 scour zone.

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

172 "Full suspension" means the act of lifting an object so all of its parts are held and transported
173 above the ground, floor, bed, or riparian vegetation.

174 "Functional grating" means grating or translucent material that is not covered or blocked by
175 any objects such as structural components, framing wood, flotation tubs, or objects placed on
176 the surface of the grating.

177 "Game fish" means those species of the class Osteichthyes that shall not be fished for except as
178 authorized by rule of the Washington fish and wildlife commission.

179 "Ganged equipment" means two or more pieces of mineral prospecting equipment coupled
180 together to increase efficiency. An example is adding a second sluice to a high-banker.

181 "*Gold and Fish* pamphlet" means a document that details the rules for conducting small-scale
182 and other prospecting and mining activities, and which serves as the hydraulic project approval
183 for certain mineral prospecting and mining activities in Washington state.

184 "Ground lead yarding" means the yarding of logs when full suspension is not used. The logs are
185 skidded along the ground attached to a cable or grapple, and power source (winch, skidder,
186 dozer, or yarder).

187 "Habitat" means the physical, biological, and chemical characteristics of a specific unit of the
188 environment occupied by a specific plant or animal. Habitat is unique to specific organisms and
189 encompasses all the physiochemical and biological requirements of that organism within a
190 specific location.

191 "Habitat function" means the natural attributes of a given habitat that support the resources
192 that rely upon that habitat (e.g. reproduction, refugia, feeding, migration).

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

196 "Habitat processes" means the dynamic biogeochemical, biologic, and physical processes which
197 occur within a given aquatic habitat (e.g., shading, cover, sediment trapping, primary
198 production), which are linked to habitat functions such as refuge and prey production.

199 "Habitat structure" means the physical attributes of a habitat, for example, substrate type,
200 aquatic vegetation, riparian vegetation or channel width. Habitat structure is linked to habitat
201 processes.

202 "Habitat type" means the habitat is unique to specific organisms and encompasses all the
203 physiochemical and biological requirements of that organism within a specific location.

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

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

210 "Hand-held mineral prospecting tools" means:

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

214 (b) Vac-pacs.

215 "Hatchery" means any water impoundment or facility used for the captive spawning, hatching,
216 or rearing of fish life.

217 "High-banker" means a stationary concentrator that you can operate outside the wetted
218 perimeter of the body of water from which the water is removed, using water supplied by hand
219 or by pumping. A high-banker consists of a sluice box, hopper, and water supply. You supply
220 aggregate to the high-banker by means other than suction dredging. This definition excludes
221 rocker boxes. See Figure 1⁴.

222 "High-banking" means using a high-banker to recover minerals.

223 "High fish passage design flow" means the flow through a structure that is not exceeded more
224 than ten percent of the time during the months of target fish migration.

225 "HPA" means a "hydraulic project approval".

226 "Hydraulic drop" means an abrupt drop in water surface elevation.

227 "Hydraulic project" means construction or performance of work that will use, divert, obstruct,
228 or change the natural flow or bed of any of the salt or fresh waters of the state.

229 "Hydraulic project approval" means:

- 230 (a) A written approval for a hydraulic project signed by the director of the department
231 of fish and wildlife, or the director's designates; or
- 232 (b) A verbal approval for an emergency hydraulic project from the director of the
233 department of fish and wildlife, or the director's designates; or
- 234 (c) The following pamphlet approvals:
- 235 (i) A "*Gold and Fish*" pamphlet issued by the department, which identifies
236 and authorizes specific minor hydraulic project activities for mineral prospecting
237 and placer mining; or
- 238 (ii) An "*Aquatic Plants and Fish*" pamphlet and any supplemental approvals
239 to it issued by the department, which identifies and authorizes specific aquatic
240 noxious weed and aquatic beneficial plant removal and control activities.
- 241 "Imminent danger" means a threat by weather, water flow, or other natural conditions that is
242 likely to occur within sixty days of a request for a permit application.
- 243 "In-water blasting" means the use of explosives on, under, or in waters of the state, or in any
244 location adjacent to the waters of the state where blasting would have an impact on fish life or
245 fish habitat.
- 246 "JARPA" means a "joint aquatic resources permit application".
- 247 "Job site" means the space of ground including and immediately adjacent to the area where
248 work is conducted under the authority of an HPA. For mineral prospecting and placer mining
249 projects, the job site includes the excavation site.
- 250 "Joint aquatic resources permit application" means a form provided by the department and
251 other agencies which an applicant submits when requesting a written HPA for a hydraulic
252 project.
- 253 "Lake" means any natural or impounded body of standing freshwater, except impoundments of
254 the Columbia and Snake rivers.
- 255 "Large woody material" means trees or tree parts that are large enough to provide fish habitat
256 and to influence stream hydrology and morphology.
- 257 "Low fish passage design flow" means the two-year seven-day low flow discharge for the
258 subject basin or ninety-five percent exceedance flow for migration months of the fish species of
259 concern.
- 260 "Maintenance" means a planned strategy of treatments to an existing structure and its
261 appurtenances that preserves the system, retards future deterioration, and maintains or
262 improves the functional condition of the system (without substantially increasing structural
263 capacity).

264 "Marina" means a public or private facility providing boat moorage space, fuel, or commercial
265 services. Commercial services include but are not limited to overnight or live-aboard boating
266 accommodations.

267 "Marine terminal" means a public or private commercial wharf located in the navigable water
268 of the state and used, or intended to be used, as a port or facility for the storing, handling,
269 transferring, or transporting of goods to and from vessels.

270 "Mean annual flood" means the average of all annual flood stages or discharges of record.

271 "Mean higher high water" means the tidal elevation obtained by averaging each day's highest
272 tide at a particular location over a period of nineteen years. It is measured from the mean
273 lower low water = 0.0 tidal elevation.

274 "Mean lower low water" means the 0.0 tidal elevation. It is determined by averaging each day's
275 lowest tide at a particular location over a period of nineteen years. It is the tidal datum for
276 vertical tidal references in the saltwater area.

277 "Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with
278 the use of aquatic mechanical harvesters, which cut and collect aquatic plants, and mechanical
279 cutters, which only cut aquatic plants.

280 "Mechanism of failure" means a physical action or process within the bank that results in bank
281 erosion.

282 "MHHW" means "mean higher high water".

283 "Mineral prospect" means to excavate, process, or classify aggregate using hand-held mineral
284 prospecting tools and mineral prospecting equipment.

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

288 "Mini high-banker" means a high-banker with a riffle area of three square feet or less. See
289 Figure 2⁵.

290 "Mini rocker box" means a rocker box with a riffle area of three square feet or less. See Figure
291 3⁶.

292 "Mining" means the production activity that follows mineral prospecting.

293 "Mitigation" means actions that shall be required as provisions of the HPA to avoid or
294 compensate for impacts to fish life resulting from the proposed project activity. **OR** any action
295 taken or not taken to avoid, minimize, rectify, reduce, or eliminate actual or potential adverse
296 environmental impact

297 “Mitigation banking” means a habitat creation, restoration, or enhancement project
298 undertaken to act as a bank of credits to compensate for habitat impacts from future
299 development projects.

300 “MLLW” means “mean lower low water”.

301 “Mooring buoy” means a buoy marking the location to secure a boat, ship or other vessel, by
302 means of cables, anchor chains or mooring lines which are secured to the bed.

303 “Natural channel” means a channel not directly modified by human activity. Note a natural
304 channel can be influenced by adjacent land use practices and actions.

305 "Natural conditions" means those conditions that arise in or are found in nature. This is not
306 meant to include artificial or manufactured conditions.

307 “Natural stream processes” means those physical and biological actions that create the stream
308 channel and flow characteristics of the stream.

309 "No-net-loss" means:

310 (a) Avoidance or mitigation of adverse impacts to fish life; or
311 (b) Avoidance or mitigation of lost habitat functions necessary to sustain fish life; or
312 (c) Avoidance or mitigation of lost area by habitat type, or
313 (d) Avoidance or mitigation of lost ecosystem processes necessary to generate and sustain
314 habitat type and habitat functions.

315 “OHWL” means “ordinary high water line”.

316 “One hundred-year recurrence interval flood” is the annual flood with a one percent chance of
317 occurring, or being exceeded, in any given year.

318 "Ordinary high water line" means the mark on the shores of all waters that will be found by
319 examining the bed and banks and ascertaining where the presence and action of waters are so
320 common and usual and so long continued in ordinary years, as to mark upon the soil or
321 vegetation a character distinct from that of the abutting upland. Provided, that in any area
322 where the ordinary high water line cannot be found, the ordinary high water line adjoining
323 saltwater shall be the line of mean higher high water and the ordinary high water line adjoining
324 freshwater shall be the elevation of the mean annual flood.

325 "Pan" means an open metal or plastic dish that you operate by hand to separate gold or other
326 minerals from aggregate by washing the aggregate. See Figure 4.

327 "Panning" means using a pan to wash aggregate.

328 "Performance standard" means a description of the minimally acceptable functioning of a
329 project or structure. It describes how the project/structure is meant to perform, for example, "a
330 culvert shall pass all adult and juvenile fish".

331 "Permanent ford" means a ford that is in place for more than one operating season.

332 "Person" means an individual or a public or private entity or organization. The term "person"
333 includes local, state, and federal government agencies, and all business organizations.

334 "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of
335 minerals.

336 "Pool" means a portion of the stream with reduced current velocity, often with water deeper
337 than the surrounding areas.

338 "Portable hoist" means a hoist that is hand carried, wheeled, or floated for installation or
339 removal.

340 "Power sluice" means "high-banker."

341 "Power sluice/suction dredge combination" means a machine that can be used as a power
342 sluice, or with minor modifications, as a suction dredge. See Figure 5⁷.

343 "Process aggregate" or "processing aggregate" means the physical or mechanical separation of
344 the valuable mineral content within aggregate.

345 "Productive capacity" means the maximum natural ability of a habitat to support healthy fish or
346 grow aquatic organisms upon which fish depend **OR** the maximum capability of habitats to
347 produce healthy fish, or support or produce aquatic organisms upon which fish depend.

348 "Prospecting" means the exploration for minerals and mineral deposits.

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

351 "Purple loosestrife" means *Lythrum salicaria* and *Lythrum virgatum* as prescribed in RCW
352 17.10.010 (10) and defined in RCW 17.26.020 (5)(b).

353 "Reach" means the area adjacent to the project site (upstream and downstream in riverine
354 environments or in the same drift cell in marine environments) that might affect the erosion at
355 the site or be affected by the bank protection.

356 "Redd" means a nest made in gravel, consisting of a depression dug by a fish for egg deposition,
357 and associated gravel mounds. See Figure 6.

358 "Rehabilitation" means major work required to restore the structural integrity of a structurally
359 deficient or functionally obsolete structure.

360 "Repair" means activities typically performed on a structure that is in overall good to fair
361 condition to restore damaged or worn out structural elements to a state of good repair.

362 "Replacement" means total replacement of a structurally deficient or functionally obsolete
363 structure with a new structure constructed in the same general location.

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

366 "River or stream" means "watercourse".

367 "Rocker box" means a nonmotorized concentrator consisting of a hopper attached to a cradle
368 and a sluice box that you operate with a rocking motion. See Figure 7.

369 "Rotovation" means the use of aquatic rotovators, machines which have underwater rototiller-
370 like blades, to uproot aquatic plants as a means of plant control.

371 "Saltwater area" means those state waters and associated beds below the ordinary high water
372 line and downstream of river mouths.

373 "Scientific measurement devices" means devices such as staff gages, tide gages, water
374 recording devices, water quality testing and improvement devices, and similar structures that
375 measure and/or record scientific data.

376 "Seagrass" means *Zostera* species, *Ruppia maritima* and *Phyllospadix* species.

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

380 "Simplified HPA" means a written HPA issued for certain low-risk hydraulic projects under a
381 streamlined application and review process.

382 "Skid log" means a log, or a series of logs, placed perpendicular along a stream bank or other
383 sensitive area to suspend a log being skidded and prevent damage, plowing, or soil disturbance.

384 "Skid trails" means the transport routes for equipment moving trees, logs, or other material
385 from the place of felling to a log landing or deck where they are stored or loaded for transport.

386 "Sluice" means a trough equipped with riffles across its bottom, which you use to recover gold
387 and other minerals with the use of flowing water. See Figure 8.

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

390 "Special provisions" means those conditions that are a part of the HPA, but are site- or project-
391 specific, and are used to supplement or amend the technical provisions.

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

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

398 "Stream-bank stabilization" means those projects which prevent or limit erosion, slippage, and
399 mass wasting, including, but not limited to, bank resloping, log and large woody material
400 relocation or removal, planting of woody vegetation, bank protection (physical armoring of
401 banks using rock or woody material, or placement of jetties or groins), gravel removal, or
402 erosion control.

403 "Suction dredge" means a machine that you use to move submerged aggregate via hydraulic
404 suction. You process the aggregate through an attached sluice box for the recovery of gold and
405 other minerals. See Figure 10.

406 "Suction dredging" means using a suction dredge for the recovery of gold and other minerals.

407 "Supplemental approval" means a written addendum issued by the department to an *Aquatic*
408 *Plants and Fish* pamphlet HPA for approved exceptions to conditions of that pamphlet HPA or
409 for any additional authorization by the department when required by the pamphlet HPA. See
410 "hydraulic project approval."

411 "Sweeping velocity" means the component of the water velocity vector parallel to and
412 immediately upstream of the screen surface.

413 "Tailhold" means an anchor point for cables supporting the boom or tower of a log yarder, or
414 the yarding cable. Large, stumps, trees, or other heavy equipment are commonly used as
415 tailholds.

416 "Tailings" means the waste material that remains after you process aggregate for minerals.

417 "Technical provisions" means those conditions that are a part of the HPA and apply to most
418 projects of that nature.

419 "Technical standard/requirement" means a specification that is directly measurable, for
420 example "shall not be placed closer than one-hundred fifty feet".

421 "Temporary ford" means a ford that is in place for one operating season.

422 "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

423 "Tight-radius bends" means XXXX

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

429 "Toe of the slope" means the base or bottom of a slope at the point where the ground surface
430 abruptly changes to a significantly flatter grade.

431 "Unimpeded fish passage" means the free movement of any fish species at any mobile life
432 stage around or through a natural or artificial barrier.

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

437 "Vac-pac" means a motorized, portable vacuum that you use for prospecting. See Figure 11.

438 "Watercourse" means any portion of a channel, bed, bank, or bottom waterward of the
439 ordinary high water line of waters of the state, including areas in which fish may spawn, reside,
440 or pass, and tributary waters with defined bed or banks, which influence the quality of fish
441 habitat downstream. This includes watercourses which flow on an intermittent basis or which
442 fluctuate in level during the year and applies to the entire bed of such watercourse whether or
443 not the water is at peak level. This definition does not include irrigation ditches, canals, storm
444 water run-off devices, or other entirely artificial watercourses, except where they exist in a
445 natural watercourse that has been altered by humans.

446 "Water crossing structures" means bridges, culverts, conduits, and fords.

447 "Water right" means a certificate of water right, a vested water right or a claim to a valid vested
448 water right, or a water permit, under Title 90 RCW.

449 "Waters of the state" means all salt and fresh waters waterward of ordinary high water lines
450 and within the territorial boundaries of the state.

451 "Water type" means water categories as defined in WAC 222-16-030 of the forest practice rules
452 and regulations.

453 "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

454 "Wetland" means land transitional between terrestrial and aquatic systems, where the water
455 table is usually at or near the surface or the land is covered by shallow water. A "sensitive
456 wetland" is a wetland that includes a particularly sensitive resource, such as a bog or a fen, or
457 that provides habitat for an endangered, threatened, sensitive, or candidate species.

458 "Wetted perimeter" means the areas of a watercourse covered with flowing or nonflowing
459 water.

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

462 "Yarding" means the act of retrieving and transporting logs attached to a cable yarder. Logs are
463 typically suspended in the air from chokers attached to a main line, sky line, or slack line during
464 the yarding process.

465 "Yarding corridor" means a narrow, linear path through a riparian management zone to allow
466 suspended cables necessary to support cable logging methods.

³Definitions will be edited when the rest of the document is closer to final. Definitions will be checked for consistency with other applicable state and federal definitions.

⁴ Figures will be re-inserted in later drafts.

⁵ Figures will be re-inserted in later drafts.

⁶ Figures will be re-inserted in later drafts.

⁷ Figures will be re-inserted in later drafts.

1 **220-110-030 Procedures—hydraulic project approvals.**

2 A person shall obtain an HPA before conducting a hydraulic project. Activities exempt from
3 this requirement are listed in WAC 220-110-035XXX and in the activity-specific sections
4 below.

- 5 (1) The department shall maintain contact information on its internet website of biologists
6 assigned to issue HPAs and the locations for which they issue HPAs.

7 The following requirements apply to all HPAs:

- 8 (2) The written HPA and any attachments referenced in it, or clear reproductions, shall be
9 on the project site when work is being conducted and shall be immediately available for
10 inspection. The permittee, equipment operator(s) and other individuals conducting the
11 project shall follow all provisions of the HPA.

- 12 (3) A complete written application is required to obtain an HPA unless the project qualifies
13 for a pamphlet HPA as outlined in WAC 220-110-031XXX, for an emergency HPA as
14 specified in subsection (xxx) below, or for a modification of an existing HPA as specified
15 in subsection (xxx) below.

- 16 (4) Any one of the following documents constitute a written HPA application:

17 (a) The current version of a joint aquatic resources permit application submitted to
18 the department;

19 (b) The current version of a joint aquatic resources permit application, including the
20 most recent version of the application for streamlined processing of fish habitat
21 enhancement projects submitted to the department, if applying for streamlined
22 processing under RCW 77.55.181; The most recent version of a simplified HPA
23 application form developed by the department, if applying for a simplified HPA
24 for qualifying projects under subsection (XXX);

25 (c) A forest practice application submitted to and published by the department of
26 natural resources, if the hydraulic project is part of a forest practice as defined in
27 WAC [222-16-010](#); or

28 (d) A public notice under section 10 of the rivers and harbors act of 1899 or section
29 404 of the clean water act circulated by the United States Army Corps of
30 Engineers or United States Coast Guard.

- 31 (5) A complete written application for an HPA shall contain:

32 (a) A written application for an HPA that is signed and dated by the applicant,
33 landowner, and the authorized agent, if one is acting for the applicant;

- 34 (b) general plans for the overall project;
- 35 (c) complete plans and specifications for all aspects of the hydraulic project that will
36 use, divert, obstruct, or change the natural flow or bed of any of the salt or
37 freshwaters of the state;
- 38 (d) complete plans and specifications for the proper protection of fish life, including
39 any reports assessing impacts and plans to mitigate impacts ;
- 40 (e) a copy of the written notice from the lead agency of compliance with any
41 applicable requirements of the State Environmental Policy Act, chapter [43.21C](#)
42 RCW, unless otherwise provided for in chapter [77.55](#) RCW; and,
- 43 (f) written approval, if proposing a fish enhancement project, by one of the entities
44 specified in RCW 77.55.181 (b.)
- 45 (6) The applicant, or authorized agent, if one is acting for the applicant, must submit the
46 complete written application to the Habitat Program’s Olympia headquarters office,
47 unless applying for a hydraulic project that is part of a forest practice as defined in WAC
48 [222-16-010](#). Application documents shall be mailed to the Department of Fish and
49 Wildlife, Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-
50 mailed to HPApplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to
51 the Natural Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth
52 floor. The department will not accept applications submitted elsewhere or by third
53 parties. For a hydraulic project that is part of a forest practice as defined in WAC 222-16-
54 010, the applicant or authorized agent must submit a forest practice application to the
55 department of natural resources.
- 56 (a) Document dimensions may not be greater than eleven inches by seventeen
57 inches.
- 58 (b) If the complete written application submitted by mail or hand delivered to the
59 department contains more than thirty pages, the applicant or authorized agent
60 must also submit digital files of all application documents on a CD, DVD, or other
61 electronic storage media in formats compatible with Microsoft Word, Microsoft
62 Excel, or Microsoft Access programs or in PDF, TIFF, JPEG, or GIF formats.
- 63 (7) The department shall declare applications submitted to the Habitat Program during
64 normal business hours received on the date submitted. The department shall declare
65 applications submitted to Habitat Program after normal business hours received on the
66 next business day. The department shall declare forest practice applications received on
67 the date that the department of natural resources publishes the application on its forest
68 practices application review system website.
- 69 (8) Within ten days of receipt in the department’s habitat program headquarters office, the
70 department shall determine whether the application meets the requirements of this

71 section and provide written notification to the applicant or authorized agent, if one is
72 acting for the applicant, of a determination that the application is incomplete. Written
73 notification shall include a description of information necessary to make the application
74 complete. The department may not further process the application until it receives
75 additional information sufficient to constitute a complete written application.

76 (9) Additional information submitted to the department by the applicant or authorized
77 agent, if one is acting for the applicant, in response to a written notification of
78 incomplete application must be submitted to the Habitat Program's Olympia
79 headquarters office. The request shall be mailed to the Department of Fish and Wildlife,
80 Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-mailed to
81 HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to the Natural
82 Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor. The
83 department may not accept additional information submitted elsewhere or by third
84 parties.

85 (10) The department may not process any application that has been incomplete for more
86 than two years. The department shall provide the applicant with written notification at
87 the time of application expiration. The applicant or authorized agent, if one is acting for
88 the applicant, must submit a new application to receive further consideration of the
89 project.

90 (11) Requests for delay from the applicant or authorized agent, if one is acting for the
91 applicant, must be in writing, and must be submitted to the Habitat Program's Olympia
92 headquarters office. The request shall be mailed to the Department of Fish and Wildlife,
93 Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-mailed to
94 HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to the Natural
95 Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor. The
96 department may not accept delay requests submitted elsewhere or by third parties.
97 Immediately upon suspending the forty-five day period, the department shall notify the
98 applicant in writing of the reasons for the delay. The department may not process any
99 application for which processing has been delayed for more than two years for any of
100 the reasons identified in subsection (15) (a), (b), or (c). The department shall provide
101 the applicant with written notification at the time of application expiration. The
102 applicant or authorized agent, if one is acting for the applicant, must submit a new
103 application to receive further consideration of the project.

104 (12) The department shall issue, upon request, a renewable, five-year HPA for regular
105 maintenance activities of a new marina or marine terminal or a marina or marine
106 terminal in existence on June 6, 1996 to the conditions approved in the HPA issued for
107 its initial construction. Regular maintenance activities are only those necessary to
108 restore the marina or marine terminal to the conditions approved in the initial HPA,
109 including, but not limited to, dredging, piling replacement, and float replacement. The
110 approved HPA shall include a requirement that a fourteen-day notice be given the

111 department before regular maintenance activities begin. The applicant or authorized
112 agent, if one is acting for the applicant, must submit a complete written application as
113 provided in this section to request this HPA. .

114 (13) HPAs issued in locations covered by a national pollution discharge elimination system
115 municipal storm water general permit may not be conditioned or denied for water
116 quality or quantity impacts arising from storm water discharges. An HPA is required only
117 for the actual construction of any storm water outfall or associated structures.

118 (14) (a) In locations not covered by a national pollution discharge elimination system
119 municipal storm water general permit, the department may issue HPAs that contain
120 provisions that protect fish life from adverse effects, such as scouring or erosion of the
121 bed of the water body, resulting from the direct hydraulic impacts of the discharge.

122 (b) Prior to issuing an HPA issued under this subsection (3XXX), the department must:

123 (i) Make a finding that the discharge from the outfall will cause harmful
124 effects to fish life;

125
126 (ii) Transmit the findings to the applicant and to the city or county where the
127 project is being proposed; and

128
129 (iii) Allow the applicant an opportunity to use local ordinances or other
130 mechanisms to avoid the adverse effects resulting from the direct hydraulic
131 discharge. The forty-five day requirement for permit issuance is suspended
132 during the time period the department is meeting the requirements of this
133 subsection.

134
135 (c) After following the procedures set forth in (bXXX) of this subsection, the department
136 may issue an HPA that prescribes the discharge rates from an outfall structure that will
137 prevent adverse effects to the bed or flow of the waterway. The department may
138 recommend, but not specify, the measures required to meet these discharge rates. The
139 department may not require changes to the project design above the mean higher high
140 water line of marine waters, or the ordinary high water line of freshwaters of the state.

141
142 (15) Except for simplified HPAs, expedited HPAs, and emergency HPAs, the department shall
143 grant or deny approval within forty-five calendar days of the receipt of a complete
144 written application. The department shall approve or reject applications for simplified
145 HPAs within twenty days of receipt of a complete written application. The department
146 shall grant approval of expedited HPAs within fifteen days of the receipt of a complete
147 written application, and shall grant approval of emergency HPAs immediately upon
148 request. An applicant may defer immediate issuance of an emergency HPA until the

149 applicant completes project actions and plans necessary to successfully conduct the
150 emergency action. The forty-five day requirement shall be suspended if:

- 151 (a) The site is physically inaccessible for inspection;
- 152 (b) The applicant or authorized agent, if one is acting for the applicant, remains
153 unavailable or unable to arrange for a timely field evaluation of the proposed
154 project after ten working days of the department's receipt of the application;
- 155 (c) The applicant or authorized agent submits a written request for a delay;
- 156 (d) The department is issuing a permit for a storm water discharge and is complying
157 with the requirements of this section or
- 158 (e) The department is reviewing the application as part of a multiagency permit
159 streamlining effort, and all participating permitting agencies and the permit
160 applicant agree to an extended timeline longer than forty-five calendar days.

161 (16) Except for expedited, emergency, and pamphlet HPAs, the department may grant HPAs
162 for a period of up to five years⁸. The department shall grant expedited HPAs for a period
163 of up to sixty days, and emergency HPAs for the expected duration of the emergency
164 hydraulic project. Pamphlet HPAs remain in effect indefinitely until modified or
165 rescinded by the department. Except for emergency HPAs, which may be modified or
166 renewed until the emergency declaration authorizing them expires or is rescinded, HPAs
167 may not be modified or renewed beyond the applicable five year or sixty day periods.
168 The applicant, or authorized agent, if one is acting for the applicant, must submit new
169 applications for projects needing further authorization beyond these time periods. The
170 following types of HPAs shall remain in effect without the need for periodic renewal;
171 however, the permittee shall notify the department before commencing work each
172 year.

- 173 (a) Seasonal work that diverts water for irrigation or stock watering purposes; and
- 174 (b) Stream-bank stabilization projects to protect farm and agricultural land if the
175 problem causing the erosion occurs on an annual or more frequent basis as
176 demonstrated by the applicant. Evidence of erosion may include, but is not
177 limited to, history of permit application, approval, or photographs. Periodic
178 floodwaters by themselves do not constitute a problem that requires an HPA.

179 (17) Except for a chronic danger HPA, an expedited HPA, or an emergency HPA, an HPA or
180 change to an existing HPA shall be denied when, in the judgment of the department, the
181 project will result in direct or indirect harm to fish life, unless adequate mitigation can
182 be assured by conditioning the HPA or modifying the proposal. If approval is denied, the
183 department shall provide the applicant, in writing, a statement of the specific reasons
184 why and how the proposed project would adversely affect fish life.

- 185 (18) Protection of fish life shall be the only grounds upon which the department may deny or
186 condition an HPA. Approval of a permit may not be unreasonably withheld or
187 unreasonably conditioned. The HPA conditions must be reasonably related to the
188 project, and must ensure that the project provides proper protection for fish life. The
189 department may not impose conditions that attempt to optimize conditions for fish life
190 that are out of proportion to the impact of the proposed project.
- 191 (19) The department may place specific time limitations on project activities in HPAs to
192 protect fish life. The HPA must contain provisions that allow for minor modifications to
193 the plans and specifications of the project and to the required work timing without
194 requiring the reissuance of the permit. Minor modifications to the required work timing
195 means a minor deviation from the timing window set forth in the HPA when there are
196 no spawning or incubating fish present within the vicinity of the project.
- 197 (20) The applicant, or authorized agent, if one is acting for the applicant, may request time
198 extensions, renewals, or modifications of existing HPAs. Requests shall be in writing,
199 must be submitted prior to the expiration of the HPA, and may only be submitted to the
200 Habitat Program's Olympia headquarters office or to the biologist that signed the HPA.
201 Written requests shall include the name of the applicant, the name of the authorized
202 agent, if one is acting for the applicant, the control number of the HPA, the date issued,
203 the permitting biologist, the requested changes to the HPA, the reason for the
204 requested change, the date of the request, and the requester's signature. Requests
205 submitted to the Habitat Program's Olympia headquarters office shall be mailed to the
206 Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia,
207 Washington 98501-1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-
208 2946; or hand-delivered to the Natural Resources Building, 1111 Washington Street S.E.,
209 Habitat Program, Fifth floor. Requests submitted to the permitting biologists shall be
210 mailed, faxed, emailed, or hand delivered to the biologist's official duty station. The
211 department may not accept applications submitted elsewhere or by third parties.
- 212 (21) The department shall declare requests for time extensions, renewals, or modifications
213 of HPAs submitted during normal business hours received on the date submitted. The
214 department shall declare requests submitted after normal business hours received on
215 the next business day.
- 216 (22) The department shall approve or deny the request for time extensions, renewals, or
217 modifications of HPAs within the time frames for the original HPAs set out in subsection
218 (XXX). Approvals of such requests shall be in the form of a written HPA.
- 219 (23) Transfer of an HPA to a new permittee requires written request by the original and the
220 new permittees, or their authorized agents if one is acting for the applicants. The
221 request shall include:
- 222 (a) the HPA number;

- 223 (b) signatures and dates of signatures of both parties; and,
224 (c) a statement that the new permittee agrees to be bound by the conditions in the
225 HPA.

- 226 (24) The applicants or authorized agents must submit the transfer request to the Habitat
227 Program's Olympia headquarters office. The request shall be mailed to the Department
228 of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-
229 1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-
230 delivered to the Natural Resources Building, 1111 Washington Street S.E., Habitat
231 Program, Fifth floor. The department may not accept requests submitted elsewhere or
232 by third parties.
- 233 (25) The department shall approve or deny the transfer request within the time frames for
234 the original HPAs set out in this section. Approvals of such requests shall be in the form
235 of a written HPA. If approval is denied, the department shall provide the applicant, in
236 writing, a statement of the specific reason(s) why and how the proposed project would
237 adversely affect fish life.
- 238 (26) The new permittee shall not conduct any project activities until the department has
239 issued approval.
- 240 (27) The department may, after consultation with the permittee, modify an HPA due to
241 changed conditions. The modification becomes effective immediately upon issuance of a
242 new HPA unless appealed to the department or the pollution control hearing board as
243 specified in WAC [220-110-340](#) and [220-110-350](#). For hydraulic projects that divert water
244 for agricultural irrigation or stock watering purposes, or when the hydraulic project or
245 other work is associated with streambank stabilization to protect farm and agricultural
246 land as defined in RCW 84.34.020, the burden is on the department to show that
247 changed conditions warrant the modification in order to protect fish life.
- 248 (28) The department may require the permittee to notify the department prior to the start
249 of construction, upon project completion, or at other times while the permit is in effect
250 that the department deems necessary. The department may also require the permittee
251 to provide periodic written reports to assess permit compliance.
- 252 (29) The department may require contingency plans.

253 The following requirements apply to fish habitat enhancement HPAs:

- 254 (30) If the department determines that the size or scale of a fish habitat enhancement
255 project proposed under RCW 77.55.181 raises concerns regarding public health and
256 safety, or the local government raises concerns during the comment period of adverse
257 impacts that cannot be mitigated by the conditioning of an HPA, the department shall
258 reject the application and notify the applicant and local government in writing within
259 twenty days of receiving the application that the project is inappropriate for streamlined

260 processing. To be reconsidered for normal permit processing, the applicant or
261 authorized agent, if one is acting for the applicant, must submit a new complete written
262 application, or provide written notice to the department that the applicant wishes the
263 department to accept the application for normal HPA processing.

264 The following requirements apply to chronic danger HPAs:

265 (31) The county legislative authority or county legislative authority designee shall notify the
266 department, in writing, when it determines that a chronic danger exists. The
267 department shall issue a chronic danger HPA, upon request, for work necessary to abate
268 the chronic danger by removing any obstructions, repairing existing structures, restoring
269 banks, restoring road or highway access, protecting fish resources, or protecting
270 property. Application submittal and processing requirements for chronic danger HPAs
271 are the same as for those that are not expedited or emergency HPAs, except that
272 applications for chronic danger HPAs that also satisfy the requirements for fish habitat
273 enhancement projects identified in RCW 77.55.181 are subject to the review and
274 approval process for fish habitat enhancement HPAs.

275 (32) The following requirements apply to simplified HPAs: The department may establish a
276 simplified HPA application and permitting process for qualifying hydraulic projects.
277 Qualifying projects must:

278 (a) present risks to fish life for less than one year and can be fully mitigated by the
279 performance and technical standards established in chapter 220-110 WAC;

280 (b) be located only in areas of low resource risk, or are of such low risk that they can
281 be permitted in high priority habitat;

282 (c) be of low complexity so that the HPA authorizing the project can be worded to
283 minimize misinterpretation of its provisions, and thus can be permitted without
284 site-specific conditions;

285 (d) be readily described and understood with plans, pictures, and graphics;

286 (e) be inspected with sufficient frequency and certainty, either during or after
287 construction, to ensure compliance;

288 (f) meet all of the eligibility requirements described on the application; and,

289 (g) be completed in a single work season to avoid impacts to habitat due to
290 potentially unstable worksite.

291 (33) The department shall grant tribes a ten-day review period upon receipt of each
292 simplified HPA application prior to approving the application. The simplified HPA
293 application may be approved prior to the expiration of the review period only when all
294 interested tribes have provided comment to the department prior to the end of the

295 review period. When determining whether to approve or reject the application for
296 simplified HPA, the department shall consider tribal comment regarding project
297 eligibility.

298 (34) The department shall grant simplified HPAs to all projects that meet the project
299 eligibility requirements and for which it receives a complete written application. If
300 necessary to confirm project eligibility, the department may conduct a site visit prior to
301 approving or rejecting an application for simplified HPA.

302 (35) The department shall reject applications for simplified HPAs in cases where:

303 (a) the plans and specifications for the project are insufficient to demonstrate that
304 fish life will be protected;

305 (b) the applicant or authorized agent, if one is acting for the applicant, fails to
306 complete all elements of the application;

307 (c) the proposed project goes beyond the eligibility requirements described in the
308 project application or cannot meet all of the eligibility requirements in the
309 application; or,

310 (d) the potential impacts from the project pose a high risk to high priority fish
311 habitats and therefore require compensatory mitigation.

312 (36) The department shall provide written notice of application rejection. Applicants may
313 resubmit the project for consideration by the department under the standard
314 application process under this section, or may submit a new simplified application for
315 the project when the rejection was due to failure to complete all elements of the
316 original application.

317 The following requirements apply to expedited HPAs:

318 (37) The department, county legislative authority, or county legislative authority designee
319 may determine if an imminent danger exists. The county legislative authority or county
320 legislative authority designee shall notify the department, in writing, if it determines
321 that an imminent danger exists. In cases of imminent danger, the department shall issue
322 an expedited HPA, upon request, for work to remove any obstructions, repair existing
323 structures, restore banks, protect fish life, or protect property.

324 (38) The department may issue an expedited written HPA in those instances where normal
325 processing would result in significant hardship for the applicant, unacceptable
326 environmental damage would occur, or in the case of imminent danger as described in
327 subsection (9XXX).

328 (39) The provisions of chapter [43.21C](#) RCW are not required for expedited HPAs.

329 (40) The following requirements apply to emergency HPAs:

- 330 (41) The department, county legislative authority, county legislative authority designee, or
331 governor may declare an emergency or continue an existing declaration of an
332 emergency where there is an immediate threat to life, the public, property, or of
333 environmental degradation. A declared state of emergency by the governor under RCW
334 43.06.010 shall constitute a declaration under this subsection.
- 335 (42) An applicant or authorized agent, if one is acting for the applicant, may request an HPA
336 authorizing a hydraulic project in response to a qualifying emergency orally or in writing
337 during business hours from the biologist assigned permitting responsibilities for the
338 location of the emergency. After business hours, contact the emergency hotline at (360)
339 902-2537. A complete written application is not required.
340
- 341 (43) Upon the declaration of an emergency, if requested to do so, the department shall grant
342 oral approval immediately for a stream crossing, or work to remove any obstructions,
343 repair existing obstructions, restore streambanks, protect fish life, or protect property
344 threatened by a stream or a change in stream flow as a result of the identified
345 emergency. Before starting emergency work the applicant or authorized agent must
346 obtain oral or written approval from the department. The department shall issue a
347 written HPA documenting the exact conditions of the oral approval within thirty days.
348 The provisions of chapter [43.21C](#) RCW, are not required for emergency HPAs.
- 349 (44) Any hydraulic project proposed or conducted under an environmental excellence
350 program agreement authorized under chapter 43.21K RCW shall be applied for and
351 permitted under the requirements of chapter 43.21K.

⁸ The department can issue a permit for fewer than five years, for example if site conditions could change significantly over time.

1 **220-110-031 Procedures—pamphlet hydraulic project approvals.**

- 2 (1) In those instances where a hydraulic project is authorized by a pamphlet HPA and
3 possession of the pamphlet HPA is required by rule, a person shall obtain a pamphlet
4 HPA issued by the department before conducting the hydraulic project.
- 5 (2) The applicant or authorized agent, if one is acting for the applicant, may submit
6 requests for pamphlet HPAs to the department verbally or in writing.
- 7 (3) The department may grant exceptions to a pamphlet HPA if the applicant, or authorized
8 agent, if one is acting for the applicant, applies for an individual HPA for the project as
9 described in WAC [220-110-030XXX](#). The applicant, or authorized agent, if one is acting
10 for the applicant, must submit a written application for an *Aquatic Plants and Fish*⁹
11 pamphlet supplemental approval to the Habitat Program’s Olympia headquarters office.
12 Application documents shall be mailed to the Department of Fish and Wildlife, Habitat
13 Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-mailed to
14 HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to the Natural
15 Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor. The
16 department will not accept applications submitted elsewhere or by third parties.
- 17 (a) The supplemental approval application shall specify the requested exception or
18 request for additional authorization, and shall include the applicant’s name,
19 address, and phone number. The applicant shall sign and date written
20 applications.
- 21 (b) The department shall grant or deny a request for a supplemental approval within
22 forty-five calendar days of the receipt of the request.

23 When a pamphlet HPA is required, the permittee shall have the pamphlet HPA, and any
24 supplemental approvals to it, on the job site when work is being conducted and shall make
25 them immediately available for inspection by the department upon request. The permittee,
26 equipment operator(s) and other individuals conducting the project shall follow all provisions of
27 the pamphlet HPA and any supplemental approvals to it.

28 _____
29 ⁹ Should the department simply require an individual HPA for exceptions to the pamphlet, instead of
also having a supplement approval?

1 **220-110-032 Applicability, modification of hydraulic project approval**
2 **requirements.**
3

- 4 (1) All new hydraulic projects must comply with the requirements listed in chapter 220-110
5 WAC.
- 6 (2) Performance standards or technical provisions in chapter 220-110 WAC applicable to a
7 specific project may be modified or deleted by the department when any of the
8 following is demonstrated:
- 9 (a) There is no logical application to a project;
 - 10 (b) The applicant provides an alternative plan to the provision that demonstrates
11 that it provides equal or greater protection for fish life;
 - 12 (c) Enforcement of the provision would result in denial of an HPA and there is
13 adequate mitigation to allow the project and achieve no-net-loss of fish life or
14 productive fish or shellfish habitat;
 - 15 (d) The modification or deletion of the provision will not contribute to net loss of
16 fish life;
 - 17 (e) The proposal is part of an approved clean-up action under Model Toxics Control
18 Act; Comprehensive Environmental Response Compensation and Liability Act; or
19 Superfund Amendment and Reauthorization Act; or
 - 20 (f) The performance standards or technical provisions conflict with applicable local,
21 state, or federal regulations that provide proper protection for fish life.
- 22 (3) When an existing structure is repaired or maintained, only the portion subject to the
23 repairs or maintenance shall be required to meet the applicable standards in chapter
24 220-110 WAC.¹⁰ Repairs necessary to continue the use of the structure beyond its
25 design life require that the structure be evaluated for its suitability and impacts to fish
26 life.
- 27 (4) When an existing structure is rehabilitated or replaced, the entire structure must meet
28 the requirements of chapter 220-110 WAC. This includes removing non-compliant
29 components of the existing structure.
- 30 (5) The requirements listed in chapter 220-110 WAC are intended to provide protection for
31 all fish life by avoiding predictable impacts that may result from various types of
32 hydraulic projects. In cases where impacts from specific projects cannot be avoided by
33 following the requirements listed in chapter 220-110 WAC, compensatory mitigation

34 shall be required for impacts that result from the construction of the structure, as
35 outlined in WAC 220-110-036XXX.

36 (6) The department shall base compensatory mitigation requirements for hydraulic projects
37 involving the maintenance, repair, rehabilitation, or replacement of existing structures
38 on the present condition of the structure, including any existing impacts caused by the
39 structure. The department may not require compensatory mitigation for past impacts.

40 (7) HPAs may also be subject to additional special provisions to address project or site-
41 specific considerations not adequately addressed by the performance standards or
42 technical provisions, or to implement management prescriptions developed through
43 watershed analysis.

¹⁰ The intention of (2) is to require that, when an existing structure is repaired (without replacing the whole thing), the repairs have to meet current *applicable* standards (such as materials or methods). The intention of (3) is to recognize that, at some point, the work being done exceeds what can be considered repairs and the whole structure needs to be replaced to meet current standards. The language should also ultimately address what will be required when changing the use of the structure, such as repurposing an existing structure or intensifying use, through repairs and maintenance.

1 **220-110-035** **Miscellaneous hydraulic projects — permit requirements and**
2 **exemptions.**

- 3 (1) The installation, by hand or hand-held tools, of oyster stakes, boundary markers, or
4 property line markers does not require an HPA.
- 5 (2) The act of driving across an established ford does not require an HPA. Driving across
6 streams or on wetted streambeds at areas other than established fords requires a permit.
7 Work within the ordinary high water line of state waters to construct or repair a ford or
8 crossing requires a permit.
- 9 (3) A person conducting a remedial action under a consent decree, order, or agreed order
10 under chapter 70.105D.090 RCW, and the department of ecology when it conducts a
11 remedial action, are exempt from the procedural requirements of chapter 77.55 RCW. The
12 department of ecology shall ensure compliance with the substantive provisions of chapter
13 77.55 RCW.
- 14 (4) A landscape management plan approved by the department and the department of natural
15 resources under RCW 76.09.350(2) shall serve as a permit for the life of the plan if fish are
16 selected as one of the public resources for coverage under such a plan.
- 17 (5) The removal of derelict fishing gear does not require an HPA if the gear is removed
18 according to the guidelines described in RCW 77.12.865.
- 19 (6) An activity conducted solely for the removal or control of Spartina does not require a
20 permit.
- 21 (7) An activity conducted solely for the removal or control of purple loosestrife and which is
22 performed with handheld tools, handheld equipment, or equipment carried by a person
23 does not require a permit.
- 24 (8) The removal of crab and other shellfish gear does not require an HPA if the gear is removed
25 under a permit issued under RCW 77.70.500.
- 26 (9) The department may not require a fishway on a tide gate, flood gate, or other associated
27 man-made agricultural drainage facilities as a condition of an HPA if such a fishway was not
28 originally installed as part of an agricultural drainage system existing on or before May 20,
29 2003.
- 30 (10) Any condition requiring a self-regulating tide gate to achieve fish passage in an existing
31 HPA under this chapter may not be enforced.
- 32 (11) Installation or removal of a portable boat hoist in a lake does not require an HPA, provided
33 it:
- 34 (a) is not permanently installed;

- 35 (b) does not have armoring or other structures installed for a foundation or protection;
- 36 (c) is not installed or removed using equipment operated below the ordinary high water
37 line;
- 38 (d) is not installed at the inlet or outlet of any stream;
- 39 (e) does not require any dredging, filling, pile driving, or any other bed modifications
40 during installation or removal;
- 41 (f) is not modified during or after installation by the addition of docks, ramps, floats, or
42 other structures that add surface area to the hoist or allow for moorage of additional
43 watercraft; and
- 44 (g) is not installed in any of the following sockeye-bearing lakes:
- 45 (i) Baker
 - 46 (ii) Osoyoos
 - 47 (iii) Ozette
 - 48 (iv) Pleasant
 - 49 (v) Quinalt
 - 50 (vi) Sammamish
 - 51 (vii) Washington
 - 52 (viii) Wenatchee
- 53 (12) No HPA is required for the installation, maintenance, or removal of scientific instruments
54 provided all work waterward of the ordinary high water line is conducted by hand or with
55 hand-held tools, and the project does not include dewatering the worksite, placement of fill
56 or concrete, or excavation or grading of the streambed or bank. Examples of scientific
57 instruments include staff gages, tide gages, water recording devices, water quality testing
58 and improvement devices, and similar structures.

1 **220-110-036** **General requirements for the issuance of all hydraulic project**
2 **approvals.**

3 In addition to the specific requirements listed in WAC 220-110-037XXX through 220-110-
4 339XXX, the following provisions apply to all hydraulic projects:

- 5 (1) All hydraulic projects shall protect all stages of fish life, and their habitat.
- 6 (2) All work subject to chapter 220-110 WAC must achieve no net loss of the habitat's
7 functions and values to fish life.
- 8 (3) The requirements listed in Chapter 220-110 WAC are intended to provide protection for
9 all fish life by avoiding predictable impacts that may result from various types of
10 hydraulic projects. To ensure that fish life is protected, mitigation¹¹ actions shall be
11 required as provisions of the HPA to avoid, minimize and compensate for impacts to fish
12 life resulting from the proposed project activity. The type(s) of mitigation required shall
13 be considered and implemented, in the following sequential order of preference:
- 14 (a) Avoiding the impact altogether by not taking a certain action or parts of an
15 action;
- 16 (b) Minimizing impacts by limiting the degree or magnitude of the action and its
17 implementation by using appropriate technology or by taking affirmative steps
18 to avoid or reduce impacts;
- 19 (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected
20 environment;
- 21 (d) Reducing or eliminating the impact over time by preservation and maintenance
22 operations during the life of the action;
- 23 (e) Compensating for the impact by replacing, enhancing, or providing substitute
24 resources or environments. The use of credits from a mitigation bank or in-lieu
25 fee program as a form of compensation may only occur after the standard
26 sequencing of mitigation negotiations (avoid, minimize, rectify, reduce/eliminate
27 and then compensate) has occurred;
- 28 (f) Monitoring the impact and the compensation projects and taking appropriate
29 corrective measures;
- 30 (g) In cases where impacts from hydraulic projects cannot be avoided by following
31 the requirements listed in Chapter 220-110 WAC, applicants must provide
32 compensatory mitigation for impacts that result from the project activities;

33 (h) For projects with potentially significant impacts, a mitigation agreement may be
34 required prior to approval. Replacement mitigation may be required to be
35 established and functional prior to project construction.

36 (4) In cases where compensatory mitigation is required, the department may require the
37 applicant to submit a mitigation plan. If a plan is required, the compensatory mitigation
38 must achieve no net loss of fish life. The plan may include the following items:

39 (a) Description of existing conditions;

40 (b) Description of the location and duration of the proposed project action;

41 (c) Description of the alternatives to the proposed project action, and why
42 they are not appropriate;

43 (d) Identification of fish and shellfish species and habitats which will be
44 affected by the proposed project action;

45 (e) Description of the nature, extent, and duration of impacts to result from
46 the proposed project actions;

47 (f) Description of the mitigation actions which shall be taken to achieve a no
48 net loss;

49 (g) Description and map of the location of the proposed project actions and
50 mitigation;

51 (h) Protocols, methods, and a reporting schedule for monitoring the
52 effectiveness of mitigation measures.

53 (i) Monitoring that continues for a duration and at frequency needed to
54 ensure that the mitigation goals and objectives are met;

55 (j) Performance standards to measure whether goals are being reached;

56 (k) Contingency plans, including corrective actions that will be taken if
57 mitigation developments do not meet goals and objectives; and

58 (l) Any agreements or other guarantees that the applicant will fulfill
59 mitigation, operation and maintenance, monitoring, and contingency
60 plans

61 (m) An applicant who proposes a project that includes compensatory
62 mitigation must document that the project protects fish life, by including
63 the following in their application for hydraulic project approval:

64 (i) All the information required in 4 (a)-(l) above.

- 65 (ii) A technical report describing the assumptions used to design the
66 project, and site-specific plans and specifications showing how the
67 project will meet fish life protection requirements.
- 68 (5) In many instances it will take time for habitat to become functional and in some
69 situations the compensation may not function as anticipated. Therefore, at a minimum,
70 a compensation ratio of 1.1:1 or greater shall apply.
- 71 (6) When compensatory measures are appropriate under the mitigation priority sequence
72 above, preferential consideration shall be given to measures that replace the impacted
73 functions directly and in the immediate vicinity of the impact. However, alternative
74 compensatory mitigation within the watershed that addresses limiting factors or
75 identified critical needs for shoreline resource conservation based on watershed or
76 comprehensive resource management plans applicable to the area of impact may be
77 authorized. Authorization of compensatory mitigation measures may require
78 appropriate safeguards, terms or conditions as necessary to ensure no net loss of fish
79 habitat functions.
- 80 (7) Compensatory mitigation requirements apply to new hydraulic projects and to
81 rehabilitation, replacement, or chronic maintenance and repair of an existing structure.
82 When an existing hydraulic structure requires chronic maintenance and repair or is
83 rehabilitated or replaced, the environmental baseline for purposes of calculating
84 compensatory mitigation requirements under WAC 220-110-036XXX shall be present
85 conditions, including any existing impacts resulting from the current structure.
86 Compensatory mitigation requirements for rehabilitated or replacement structures or
87 chronic maintenance and repair will apply only to future impacts that will result from
88 the structure

¹¹ WDFW is developing mitigation guidance, and will be seeking public comment on it through SEPA. Mitigation sections in the rule could change based on that input as well.

Some reviewers have suggested that the requirement for mitigation be explicitly stated in relevant technical sections, rather than relying on the “conformance with other applicable provisions” statement in this current draft.

1 **220-110-037 General construction provisions.**

2 WAC 220-110-037 sets forth general construction provisions that are applicable to many kinds
3 of hydraulic projects. WAC 220-110-055XXX through 220-110-339XXX set forth additional
4 provisions applicable to specific kinds of hydraulic projects. Hydraulic project approvals may
5 include additional provisions to address site-specific conditions. All provisions determined by
6 the department to be necessary to protect fish life shall be contained in the HPA.

7 (1) HPAs for routine maintenance.

8 (a) An HPA is required for routine maintenance of structures in, over, or near waters of
9 the state. The HPA shall contain provisions to prevent or minimize impacts to waters of
10 the state from maintenance activities.

11 (2) Minimizing disturbance from construction.

12 (a) Use of equipment in or near the water shall be held to the minimum necessary to
13 construct the project, and shall be confined to specific access and work corridors.

14 (b) Removal of aquatic and riparian vegetation shall be limited to that necessary to gain
15 access to construct the project.

16 (c) Buffers that exclude construction shall be established and marked around vegetation
17 that is to remain undisturbed.

18 (d) All disturbed areas shall be immediately protected from erosion. (e) For projects that
19 disturb vegetation, the proponent shall provide a vegetation plan describing how the
20 disturbed vegetation will be replaced. Disturbed areas shall be successfully vegetated
21 within one year with native riparian or aquatic species appropriate to the site. Plantings
22 shall be maintained as necessary for three years to ensure eighty percent survival. Local
23 sources of plant materials shall be used whenever practical.

24 (e) Depressions in the substrate created during project activities shall be reshaped to
25 preproject level or other approved condition upon project completion.

26 (f) Removal of existing or temporary structures shall be accomplished so that the
27 structure and associated material does not reenter waters of the state. The technical
28 provisions for construction that are pertinent to deconstruction also apply.

29 (3) Preventing deleterious materials from entering waters of the state.

30 (a) Project activities shall not degrade water quality to the detriment of fish life.

31 (b) Wet concrete and other uncured or dry products containing cement (e.g., grout,
32 mortar) shall be prevented from contacting waters of the state. Forms or other

33 impervious material shall be used to contain and prevent leaching of products
34 containing cement.

35 (c) All debris or deleterious material resulting from construction or as part of the
36 mitigation for the project shall be removed from the bed, beach area, , or bank and
37 prevented from entering waters of the state.

38 (d) No petroleum products or other deleterious materials shall enter surface waters.

39 (e) Operators shall maintain pumps, boat motors, and other equipment in good
40 condition, without leaks. All equipment used in or around waters shall be clean and
41 inspected daily prior to use to ensure that the equipment has no fluid leaks. Any
42 equipment that develops a leak shall be removed from the site immediately and not
43 used again until it has been adequately repaired.

44 (f) A spill response kit must be present on site to contain any potential petroleum or
45 other hazardous material spill from entering state waters. Operators shall contain and
46 clean up spills of fuels or other fluids without delay. Absorbent materials must be
47 available onsite for this purpose.

48 (g) Project activities shall be conducted to prevent the delivery of silt or sediment-laden
49 water to banks, beach areas, beds, or waters of the state.

50 (4) Treated Wood¹²

51 (a) Wood treated with creosote or pentachlorophenol may not be used in any hydraulic
52 project. Wood treated with other preservatives may be used provided it meets industry
53 post-treatment standards and is sufficiently cured to minimize leaching into the water
54 or bed.

55 (b) Sawdust, trimmings, or drill shavings from treated wood shall be completely
56 contained with tarps or other methods during installation or removal of structures.

57 (5) Working in the dry.

58 (a) When practicable, construction work shall be carried out in the dry. Construction
59 (and deconstruction) materials shall be stored landward of the OHWL in fresh waters, or
60 landward of MHHW in marine waters.

61 (b) For projects where construction takes place below OHWL or MHHW, the
62 construction area shall be separated from waters of the state by use of an approved¹³
63 dike, cofferdam, or similar structure. For projects where the stream is bypassed around
64 the work site, the applicant shall submit a streamflow bypass plan. The department
65 shall review the plan and either approve it or work with the applicant to modify it to

66 properly protect fish life. Temporary bypass or dewatering shall be carried out as
67 specified in WAC 220-110-120XXX.

68 (c) When it is necessary to dewater a worksite, it shall first be dewatered slowly to allow
69 fish time to swim out of the area (passive fish removal). The department may approve
70 seining, electrofishing, or both, depending on site-specific conditions, to remove fish
71 that remain after passive removal. Captured fish shall be minimally handled, kept in
72 water, and transferred immediately to a release site downstream. In cases where the
73 permittee has collected suspected or known exotic or invasive aquatic species from a
74 location in which their presence has not been previously documented, the permittee
75 shall immediately cease operations, retain a live specimen, and contact the department.
76 Operations may not resume without approval of the department.

77 (d) Wastewater from project activities and water removed from within the work area
78 shall be routed to an area landward of the ordinary high water line to allow removal of
79 fine sediment and other contaminants prior to being discharged to waters of the state.

80 (e) Areas of disturbed sediment within the work area shall either be removed, or shall
81 be stabilized with clean material sized to match undisturbed sediments prior to
82 restoring water flow.

83 (6) Notification of fish kill.

84 If a fish kill occurs or if fish are observed in distress, work activities shall immediately
85 cease. The department¹⁴ and the Washington military department emergency
86 management division shall be immediately notified of the problem. Work may not
87 resume until the Washington department of fish and wildlife gives approval.

88 (7) Noise and pile driving.

89 (a) Peak sound pressure levels from driving piling must not exceed two-hundred six
90 decibels (re:1 μ Pa).

91 (b) Cumulative sound exposure levels over twelve hours within any twenty-four hour
92 period must not exceed one-hundred eighty-three decibels (re:1 μ Pa²·sec).

93 (8) Fill and piling.

94 (a) Fill around piling may only be used when the condition of the substrate prevents the
95 use of driven piles.

96 (b) Fill material is limited to clean rock and concrete.

97 (c) The total amount of fill used to secure all piles associated with a structure is limited
98 to the minimum amount necessary to secure the piles.

99 (9) Use of explosives

100 (a) The department may approve the use of explosives only if the applicant
101 demonstrates certainty that harm to fish life, can be avoided.

102 (b) The use of ammonium nitrate-fuel oil mixtures in or near water is prohibited.

103 (c) Disturbance to shoreline, streambanks and riparian vegetation shall be limited to
104 areas identified in plans submitted to and approved by the department.

105 (d) Methods to contain and control turbidity and possible slide debris resulting from in-
106 water blasting shall be in place prior to any blasting. These materials shall not be
107 dragged on the bed or banks when placing, relocating, or removing them.

108 (i) Department approved fish exclusion or containment methods shall surround
109 the blast site.

110 (ii) Blasting shall occur in an area that is physically separated from the
111 surrounding waters, (e.g., inside a cofferdam).

112 (iii) No explosive is to be detonated in or near fish habitat that produces, or is
113 likely to produce, an instantaneous pressure change (i.e., overpressure) greater
114 than one-hundred kPa (fourteen and one-half psi) in the swimbladder of a fish.

115 (iv) The weight of explosives to be used in each delay will be limited to the
116 lowest poundage of explosives that can adequately do the job and shall be set
117 (timing, frequency, location) to minimize shock waves from the explosives.
118 Timing of explosions shall include micro-second detonation delays.

119 (v) All blast holes shall be stemmed.

120 (vi) Resulting blast debris shall be removed from the watercourse before it is
121 rewatered.

122 (e) Conduct pre- and post- in-water blasting surveys of fish life using methods approved
123 by the department.

124 (f) Divert or remove fish life from the site to prevent injury, immediately before in-water
125 blasting, using methods approved by the department.

126 (g) A diver shall be on site and available for potential damage assessment following in-
127 water blasting activities. A written report detailing the results of the evaluation of
128 project impacts to fish life shall be submitted to the department no later than fifteen
129 days subsequent to blasting.

130 (10) All materials and equipment used in the construction of a hydraulic project shall be free of
131 aquatic invasive species. Materials and equipment used at the site of a hydraulic project site
132 at which aquatic invasive species are already established shall be decontaminated so that
133 no viable aquatic invasive species are transported from the job site.

134 (11) The department may allow placement of clean dredged material in areas for beneficial
135 uses such as beach nourishment or cleanup of contaminated sediments.

¹² WDFW needs to decide whether WAC should ban all treated wood, or whether there are some circumstances where its use is acceptable. This list compiles several possibilities that are under consideration. Opinions?

¹³ Throughout this draft, for a structure or procedure to be “approved” means it would be included in the HPA.

¹⁴ WDFW has had ongoing discussions of appropriate notification for fish kills. Possibilities that have been suggested are to notify the department, to notify the Washington Military Department’s Emergency Management Division; to notify the Department of Ecology via their “Reporting an environmental problem” website (<http://www.ecy.wa.gov/reportaproblem.html>); to notify affected Tribes; to notify the Area Habitat Biologist who wrote the HPA. Part of the discussion entails managing the “triage” for an observed fish kill. If the kill is a result of an acute environmental problem such as a spill, a more urgent response is needed than if it is a result of natural causes but happens to coincide with HPA-permitted work. Another part of the discussion entails making it straightforward for a person who observes a fish kill to provide notification, (without having to have extensive knowledge of which Tribes are affected or which WDFW employee works in the area.)

1 **220-110-038 Compensatory mitigation monitoring requirements.**

2 (1) These general requirements shall apply, in addition to other monitoring requirements
3 specified in WAC 220-110 xxx through WAC 220-110-037XXX.

4 (2) The permittee shall monitor to verify they are meeting the terms and conditions of the
5 mitigation plan or mitigation agreement.

6 (3) Prior to project approval, the applicant may be required to submit a monitoring plan to
7 assess the performance of a compensatory mitigation project. The department will review the
8 plan and either approve or modify it. The monitoring plan shall include:

- 9 (a) Name of the qualified professional responsible for monitoring.
- 10 (b) Description of the data to be collected and reported, how often and for what duration
11 (indentify proposed monitoring stations, including transect locations on map).
- 12 (c) Description of the performance standards to measure whether goals are being reached.
- 13 (d) Identification of the assessment tools and/or methods to be used for data collection
14 monitoring the progress towards attainment of performance standards.
- 15 (e) Description of the format to be used for reporting monitoring data.
- 16 (f) Description of the monitoring schedule.
- 17 (g) A contingency plan the permittee will implement if compensatory mitigation monitoring
18 shows that the project is not meeting performance objectives.

1 **220-110-039 Adaptive management for the HPA program**

2 (1) Purpose: The department will implement adaptive management of the Hydraulic Project
3 Approval Program as a means of systematically using monitoring data and other data to
4 rigorously assess the success of management alternatives and make adjustments that will
5 improve the effectiveness and efficiency of the Program. Adaptive management will:

- 6 (a) Quantify the effect of management decisions and permitted activities on the protection
7 of fish life.
- 8 (b) Ensure the HPA program is responsive to changing habitat conditions that affect fish life.
- 9 (c) Improve efficiency in implementing the HPA program.

10 (2) The goals of the adaptive management program are to:

- 11 (a) Ensure hydraulic projects protect fish life, and unavoidable impacts are minimized and
12 mitigated.
- 13 (b) Ensure HPA provisions achieve their intended goals, and that provision requirements on
14 projects are appropriate and necessary.
- 15 (c) Improve protection of fish life by adapting to changing conditions over time and
16 increase relevant information learned through monitoring.
- 17 (d) Ensure that activities permitted under the HPA authority protect listed and at-risk
18 species and are compliant with the Endangered Species Act.
- 19 (e) Understand the cumulative impacts of multiple projects.

20 (3) The department will develop a program to monitor compliance with HPA provisions, the
21 effectiveness of those provisions for protecting fish life, and the overall effectiveness of the
22 HPA program. The department may use a risk-based approach to prioritize the monitoring.
23 Implementation of the monitoring program will depend on funding, time, and staff availability.
24 The department may implement a phased or stepped monitoring process to ensure better
25 compliance.

26 (a) The department will conduct compliance monitoring to determine whether the
27 permittees follow the permit provisions. The department will determine the cause of
28 non-compliance to determine if education, outreach, or policy/operational changes will
29 improve compliance.

30 (b) The department will use implementation monitoring to determine whether the
31 projects were implemented as planned; have both the permittee and the department
32 done what they said they were going to do?

33 (c)The department will use effectiveness and validation monitoring to measure how well
34 projects protect fish life.

35 (4) Participants. To achieve the best results, adaptive management must provide a mechanism
36 for departmental, stakeholder, and tribal involvement. The department will use two groups to
37 implement adaptive management.

38 (a) Adaptive management committee. The adaptive management committee is comprised
39 of, but not limited to, staff from the department's science, restoration, and protection
40 divisions within the habitat program, and the department's regional offices.

41 (b) External stakeholder and tribal sub-committee. The adaptive management committee
42 will create an *ad hoc* sub-committee when it determines a need for stakeholder and
43 tribal involvement. The sub-committee will be composed of representatives of the
44 regulated community, conservation organizations, tribes, counties, cities, state and
45 federal agencies.

46 (c) The adaptive management committee will ask the external stakeholder and tribal sub-
47 committee to provide input on policy actions that might:

48 (i) Have a significant impact on HPA applicants, such as in cost or construction time.

49 (ii) Negatively affect the environment or create unintended consequences.

50 (iii) Impose significant changes to standard or current practices.

51 (d) The HPA adaptive committee will review the stakeholder and tribal recommendations.
52 The involvement of stakeholders and tribes may result in policy, rule or statutory
53 changes, and may trigger state environmental policy act review.

54 (5) Process.

55 (a) Adaptive management of the HPA program will include the following steps:

56 (i) Identify the problem, including defining the management problem and the system
57 being managed, identifying the group that can address the problem, and carefully
58 describing the goals and objectives of the current and proposed management action.

59 (ii) Design and describe proposed management actions in a management plan that
60 allows needed adjustment during implementation.

61 (iii) Implement the management plan for the selected management actions.

62 (iv) Monitor the management action by collecting data for selected metrics.

63 (v) Assess the effectiveness of the management plan by conducting analyses to compare
64 measured results with anticipated outcomes related to goals and objectives for the
65 program or specific management actions. Determine whether the project should
66 continue with implementation, adjust the implementation, adjust the plan, or declare
67 success. Monitoring continues.

68 (vi) Continue with the current implementation of the management action if the
69 assessment concludes that no adjustments are needed to achieve goals and objectives.
70 Monitoring continues.

71 (vii) If the program, project, or management action is not meeting goals and objectives,
72 adjust plan implementation or the plan itself. Monitoring continues.

73 (viii) The department will declare the management plan successful if monitoring
74 demonstrates the program or project is consistently meeting the goals and objectives. In
75 this case, the department will take no further action. Monitoring continues, perhaps
76 with adjustment.

77 (b) The adaptive management committee will

78 (i) Develop and implement plans, including monitoring, for addressing its stated
79 goals and objectives.

80 (ii) Assess and document progress towards meeting each goal and objective.

81 (iii) Identify and record obstacles to progress and possible solutions.

82 (A) If a solution does not affect stakeholders, the department must make and
83 document required changes.

84 (B) If the adaptive management committee determines a solution will affect
85 stakeholders and tribes, the committee will request collaboration and
86 review by the external stakeholder and tribal sub-committee.

87 (iv) The adaptive management committee will make recommendations for changes
88 resulting from the process to department management.

89 (6) Reporting. The department must inform stakeholders, tribes and interested parties about
90 HPA program activities:

91 (a) Biennial Report: The adaptive management committee must submit HPA Program
92 adaptive management changes and updates as part of the biennial reports to the
93 Governor and Legislature, in accordance with RCW 77.04.120.

94 (b) Habitat Conservation Plan Annual Reports: If WDFW has an active Incidental Take
95 Permit, the adaptive management committee must submit adaptive management

96 reports, including recommended changes to habitat conservation plan adoption and
97 implementation, in accordance with the permit.

98 (7) Funding. Funding is essential to implement an adaptive management program. The
99 department will seek long-term stable funding for the adaptive management program.
100 Implementing adaptive management may improve efficiency and avoid unnecessary expenses.

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1 **220-110-041** **Authorized work times in freshwater areas.**

2 (1) The department shall specify authorized work times for hydraulic projects in or adjacent
3 to freshwater areas when it issues HPAs. When determining the authorized work times,
4 the department shall consider:

5 (a) the times when salmonid eggs and fry are least likely to be incubating within
6 Washington state freshwaters;

7 (b) in the case of some large streams, such as the Columbia and Snake Rivers, the
8 outmigration timing of smolts;

9 (c) the expected impact of construction activities, equipment type and access, life
10 history stages of all species of fish life present;

11 (d) life history stages of all species of fish life present;

12 (e) presence or absence of spawning habitat and incubating fish at or near the
13 project site;

14 (f) weather;

15 (g) work site containment;

16 (h) wastewater management;

17 (i) best management practices proposed by the project proponent;

18 (j) mitigation measures volunteered or imposed upon the project; and,

19 (k) other circumstances and conditions.

20 (2) The department shall publish the times when salmonid eggs and fry are least likely to
21 be incubating with streams on its public website.

22

1 **220-110-046 (formerly -271) Authorized work times in saltwater areas.**

2 The department shall specify authorized work times for hydraulic projects in or adjacent to
3 saltwater areas when it issues HPAs. The department may permit work waterward of the
4 ordinary high water line for the following times, areas, and species.

5 (1) If the surf smelt spawning season for the project location is six months or longer, the
6 department may permit work provided:

7 (a) The work commences within forty-eight hours after the location is inspected by a
8 department representative or biologist trained by the department.

9 (b) The inspection follows the protocols in forage fish spawning beach sampling manual.

10 (c) The results of the inspection show that no spawning is occurring or has recently
11 occurred.

12 (d) The project is completed within the time defined by the department.

13 (2) Tidal Reference Areas 1 through 17; March 2 through October 14 for projects in or adjacent
14 to Pacific sand lance spawning beds.

15 (3) Tidal Reference Areas 1 through 17; October 15 through May 14 for projects in or adjacent
16 to lingcod settlement and nursery areas.

17 (4) Tidal Reference Area 14; October 1 through May 14 for projects in or adjacent to razor clam
18 beds.

19 (5) The department may restrict the times for hydraulic work for protection of other species of
20 fish or shellfish or if necessary to protect fish life at a particular site.

21 (6) The authorized times and areas for protection of migrating juvenile salmonid, and surf
22 smelt and Pacific herring spawning beds are listed in the following table:

AUTHORIZED TIMES			
TIDAL REFERENCE AREA	JUVENILE SALMONID MIGRATION FEEDING AND REARING AREAS.	SURF SMELT SPAWNING BEDS	HERRING SPAWNING BEDS
1	July 16 – February 15	—	April 1 – January 14
2	July 16 – February 15	April 1 – June 30	April 1 – January 14
3	July 16 – February 15	May 1 – September 30	April 1 – January 14

4	<p>August 1 – February 15 for all work except dredging</p> <p>September 1 – February 15 for dredging in all areas except Duwamish Waterway</p> <p>October 16 – February 15 for dredging in the Duwamish Waterway upstream of the East and West Waterways</p>	April 15 – September 30	April 15 – January 14
5	<p>August 1 – February 15 for all work except dredging</p> <p>September 1 – February 15 for dredging in all areas except Duwamish Waterway</p> <p>October 16 – February 15 for dredging in the Duwamish Waterway upstream of the East and West Waterways</p>	<p>April 1 – August 31 in all areas except Eagle Harbor and Sinclair Inlet</p> <p>In Eagle Harbor and Sinclair Inlet, authorization is conditional upon inspection, because year-round spawning occurs.</p>	May 1 – January 14
6	<p>July 15 – February 15 for all work except dredging</p> <p>September 1 – February 15 for dredging</p>	March 1 – September 30	—
7	<p>August 1 – February 15 for all work except in Port Susan and dredging in Port Gardner</p> <p>July 16 – February 14 for all work in Port Susan</p> <p>September 15 – February 15 for dredging in Port Gardner</p>	Authorization is conditional upon inspection, because year-round spawning occurs	April 15 – January 31
8	July 16 – February 15	Authorization is conditional upon inspection, because year-round spawning occurs	April 15 – January 31

9	July 16 – February 15	Authorization is conditional upon inspection, because year-round spawning occurs	April 15 – January 31 south of a line running due west from Governor's point June 15 – January 31 north of a line running due west from Governor's point
10	July 16 – February 15 July 16 – January 15 for all work from Tala Point to the Dungeness River	April 1 – July 31 In San Juan Islands, authorization is conditional upon inspection, because year-round spawning occurs	May 1 – January 14
11	July 16 – January 15	March 2 – September 14	April 1 – January 14
12	July 16 – January 15	March 2 – August 31	April 15 – February 14
13	July 16 – January 15	February 16 – July 31	April 15 – January 14
14	July 16 – February 15	October 1 – June 30	—
15	July 16 – February 15	—	—
16	July 16 – February 15	—	March 15 – January 31
17	July 16 – February 15	—	March 15 – January 31

23

1 **220-110-047 (formerly -240) Tidal reference areas.**

2 Tidal reference areas are defined as follows:

3 (1) Tidal Reference Area 1 (Shelton): All saltwater areas in Oakland Bay and Hammersley Inlet
4 westerly of a line projected from Hungerford Point to Arcadia.

5 (2) Tidal Reference Area 2 (Olympia): All saltwater areas between a line projected from
6 Hungerford Point to Arcadia and a line projected from Johnson Point to Devil's Head. This
7 includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.

8 (3) Tidal Reference Area 3 (South Puget Sound): All saltwater areas easterly and northerly of a
9 line projected from Johnson Point to Devil's Head and southerly of the Tacoma Narrows Bridge.

10 (4) Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma Narrows
11 Bridge and southerly of a line projected true west and true east across Puget Sound from the
12 northern tip of Vashon Island.

13 (5) Tidal Reference Area 5 (Seattle): All saltwater areas northerly of a line projected true west
14 and true east across Puget Sound from the northern tip of Vashon Island and southerly of a line
15 projected true east from Point Jefferson at 47° 45' N. latitude across Puget Sound. This area
16 includes Port Orchard, Port Madison, and Dyes and Sinclair Inlets.

17 (6) Tidal Reference Area 6 (Edmonds): All saltwater areas northerly of a line projected true east
18 from Point Jefferson at 47° 45' N. latitude across Puget Sound and southerly of a line projected
19 true east from Possession Point to Mukilteo and from Foulweather Bluff to Double Bluff.

20 (7) Tidal Reference Area 7 (Everett): All saltwater areas northerly of a line projected true east
21 from Possession Point to Chennault Beach, easterly of a line projected 5° true from East Point
22 to Lowell Point, and southerly of the Stanwood to Camano Island Highway. This area includes
23 Port Gardner, Port Susan, and parts of Possession Sound and Saratoga Passage.

24 (8) Tidal Reference Area 8 (Yokeko Point): All saltwater area westerly and northerly of a line
25 projected 5° true from East Point to Lowell Point, north of the Stanwood to Camano Island
26 Highway, and easterly and southerly of Deception Pass Bridge and the Swinomish Channel
27 Bridge on State Route 20. This area includes Holmes Harbor, Saratoga Passage, Skagit Bay,
28 Similk Bay, and most of the Swinomish Channel.

29 (9) Tidal Reference Area 9 (Blaine): All saltwater area in Skagit County and Whatcom County
30 that lies northerly of the Swinomish Channel Bridge on State Highway 536 and westerly and
31 northerly of Deception Pass Bridge.

32 (10) Tidal Reference Area 10 (Port Townsend): All saltwater area of Puget Sound as defined in
33 WAC 220-16-210XXX except Hood Canal south of a line projected from Tala Point to

34 Foulweather Bluff, and except all waters defined in Tidal Reference Areas 1 through 9. Area 10
35 includes waters of the San Juan Islands, Admiralty Inlet, the Strait of Juan de Fuca, and
36 associated bays and inlets.

37 (11) Tidal Reference Area 11 (Union): All saltwater area of Hood Canal southerly and easterly of
38 a line projected from the northern entrance of Lilliwaup Bay to the northern entrance of
39 Dewatto Bay.

40 (12) Tidal Reference Area 12 (Seabeck): All saltwater areas of Hood Canal northerly of a line
41 projected from Lilliwaup Bay to Dewatto Bay and southerly of a line projected true east from
42 Hazel Point. This area includes Dabob Bay and Quilcene Bay.

43 (13) Tidal Reference Area 13 (Bangor): All saltwater area of Hood Canal northerly of a line
44 projected true east from Hazel Point and south of a line projected from Tala Point to
45 Foulweather Bluff. This area includes Port Gamble.

46 (14) Tidal Reference Area 14 (Ocean Beaches): All saltwater area between Cape Flattery and
47 the Oregon border at the mouth of the Columbia River, excluding Grays Harbor and Willapa
48 Bay.

49 (15) Tidal Reference Area 15 (Westport): All saltwater area in Grays Harbor easterly of a line
50 projected from the outermost end of the north jetty to the outermost end of the south jetty,
51 and westerly of 123° 59' W. longitude.

52 (16) Tidal Reference Area 16 (Aberdeen): All saltwater area in Grays Harbor easterly of 123° 59'
53 W. longitude and westerly of the State Route 101 bridge across the Chehalis River.

54 (17) Tidal Reference Area 17 (Willapa Bay): All saltwater area in Willapa Bay easterly of a line
55 projected from Leadbetter Point to Cape Shoalwater.

1 **220-110-049 (formerly -250) Saltwater habitats of special concern.**

2 In the following saltwater habitats of special concern, or areas in close proximity with similar
3 bed materials, specific restrictions regarding project type, design, location, and timing may
4 apply. The department may determine the location of such habitats by a site visit. In addition,
5 the department may consider all available information regarding the location of the following
6 habitats of special concern.

7 (1) Information concerning the location of the following saltwater habitats of special concern is
8 available on request to the habitat program of the department of fish and wildlife. These
9 habitats of special concern may occur in the following types of areas:

10 (a) Surf smelt (*Hypomesus pretiosus*) spawning beds are located in the upper beach area
11 in saltwater areas typically composed of sand and/or small gravel and shell material.

12 (b) Pacific sand lance (*Ammodytes hexapterus*) spawning beds are located in the upper
13 beach area in saltwater areas typically composed of sand and/or pea gravel.

14 (c) Pacific herring (*Clupea harengus pallasii*) spawning beds occur in lower beach areas
15 and shallow subtidal areas in saltwater areas. These beds include seagrass, macroalgae,
16 and other bed materials such as subtidal worm tubes.

17 (d) Rockfish (*Sebastes* spp) settlement and nursery areas are located in kelp beds,
18 seagrass, macroalgae, and other bed materials.

19 (e) Lingcod (*Ophiodon elongatus*) settlement and nursery areas are located in beach and
20 subtidal areas with sand, seagrass, subtidal worm tubes, and other bed materials.

21 (f) Olympia oyster (*Ostrea conchaphila*) settlement areas are located in sheltered bays
22 and estuaries near low tide.

23 (g) Pinto (Northern) abalone (*Haliotis kamtschatkana*) occurs predominantly in kelp
24 beds; typically in low intertidal and subtidal areas to 30 feet depth, in a wide range of
25 habitats from sheltered bays to exposed coastlines.

26 (2) Juvenile salmonid (Family Salmonidae) migration corridors, and rearing and feeding areas
27 are ubiquitous throughout estuarine and shallow nearshore saltwater areas of the state.

28 (3) The following vegetation occurs in or adjacent to many saltwater areas and serves essential
29 functions in the developmental life history of fish life:

30 (a) Seagrasses (*Zostera* spp, *Ruppia maritima* and *Phyllospadix* spp.);

31 (b) Kelp (Order Laminariales);

- 32 (c) Other macroalgae
- 33 (d) Intertidal wetland vascular plants (except noxious weeds), and
- 34 (e) Riparian vegetation
- 35 (4) The department shall include provisions in HPAs to protect the following geomorphic and
36 ecological processes, which are necessary to form and maintain saltwater habitats of special
37 concern.
- 38 (a) Sediment supply and transport;
- 39 (b) Bluff erosion and sediment accretion;
- 40 (c) Distributary channel migration;
- 41 (d) Tidal channel formation and maintenance;
- 42 (e) Freshwater input;
- 43 (f) Tidal hydrology;
- 44 (i) Solar Radiation (sunlight); and
- 45 (j) Wind and waves.

- 1 **220-110-051** **Forage fish spawning surveys**
- 2 (placeholder)

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- 1 **220-110-052** **Seagrass and macroalgae habitat surveys**
- 2 (placeholder)

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- 1 **220-110-053** **Fish removal and exclusion**
- 2 (placeholder)

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1 **220-110-055 (formerly -050, -223, -280, and -285) [Bulkheads and bank**
2 **protection]/[Shoreline and stream bank stabilization]¹⁵**

3 Conformance with other applicable provisions : all projects must meet the standards listed in
4 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
5 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
6 addition:

7 (1) Design requirements

8 (a) Shoreline and stream bank stabilization projects shall minimize adverse impacts to fish
9 life through the use of the least impacting alternative type of shoreline stabilization
10 practicable. In order of priority from least to greatest impact, subject to site-specific
11 conditions, alternatives include but are not limited to:

12 (i) taking no action;

13 (ii) upland drainage control;

14 (iii) vegetation protection, enhancement, and replacement;

15 (iv) relocation of improvements or structures;

16 (v) beach nourishment;

17 (vi) large woody material placement;

18 (vii) biotechnical methods;

19 (viii) upland retaining walls;

20 (ix) individual rock placement landward of the OHWL;

21 (x) bulkheads and rock revetments placed landward of the OHWL;

22 (xi) individual rock placement located at the OHWL; and

23 (xii) bulkheads and rock revetments located at the OHWL.

24 (b) The department may require bio-engineering methods of shoreline and stream bank
25 stabilization.

26 (2) Construction requirements

27 (a) For all shoreline and stream bank stabilization projects,

28 (i) Structure elevations shall be established relative to permanent benchmarks
29 established prior to commencing work on the project. The benchmarks shall be
30 located, marked and protected to serve as post project reference.

31 (ii) Excavated or dredged materials containing silt, clay, or fine grained soil shall
32 not be stockpiled below the ordinary high water line.

33 (iii) All trenches, depressions, or holes created during construction shall be
34 backfilled prior to inundation. Trenches excavated for footings or placement of
35 base rock may remain open during construction, however, fish shall be
36 prevented from entering such trenches.

37 (iv) The base of hard armoring structures must be buried to a depth sufficient to
38 prevent undermining.

39 (v) Backfill materials must be clean and free-draining.

40 (vi) Structures installed in an emergency situation shall be assessed after the
41 emergency to assure it is adequately keyed into the bank and of the proper
42 dimensions. Deficiencies shall be appropriately addressed. This includes the
43 possibility of removing the emergency structure and replacing with a more
44 appropriate structure.

45 (3) Stream bank stabilization.

46 In addition to the requirements in subsections (1) and (2), the following provisions apply to
47 stream bank protection projects.

48 (a) Stream bank stabilization proposals shall include:

49 (i) a description of the riverine processes that may be affected by the project, if
50 known; and

51 (ii) drawings that show the project in a reach setting with dominant erosion
52 processes and existing bank stabilization structures within the reach.

53 (b) All natural habitat features in the project area and below the OHWL that are larger
54 than twelve inches in diameter including trees, stumps and logs, and large rocks shall be
55 retained within the reach.

56 (c) Stream bank stabilization work shall be restricted to work necessary to protect
57 eroding banks.

58 (d) Stream bank stabilization material placement waterward of the ordinary high water
59 line shall be restricted to that necessary to protect the toe of the bank, or for
60 installation of mitigation features approved by the department.

- 61 (e) Stream Bank stabilization material shall not constrict the flow or cause any
62 measurable increase in backwater elevation¹⁶.
- 63 (f) The toe shall be designed to protect the integrity of bank stabilization material.
- 64 (g) Bank sloping shall not release overburden material into the waters of the state.
65 Overburden material resulting from the project shall not enter waters of the state.
- 66 (h) When the project involves threat to infrastructure or safety, use the one-hundred
67 year recurrence interval peak flow¹⁷ for design calculations. Otherwise, design to flows
68 that promote the evolution of the channel using natural materials.
- 69 (i) When rock or other hard materials are approved for stream bank stabilization, the
70 following provisions shall apply:
- 71 (i) The project shall be designed and the rock installed to withstand one-hundred
72 year recurrence interval peak flows.
- 73 (ii) Bank stabilization and filter blanket material shall be placed from the bank or
74 a barge.
- 75 (j) Groins shall be designed and installed to redirect flow away from an eroding bank.
76 New groins shall:
- 77 (i) be sized and spaced so that flood flow energy is dissipated and deposition
78 occurs between the groins;
- 79 (ii) not be used for mitigation;
- 80 (iii) not be used in tight-radius bends;
- 81 (iv) not exceed fifteen percent of the bankfull channel width, if an impermeable
82 groin. Permeable groins shall not exceed twenty percent of the bankfull channel
83 width.
- 84 (v) not exceed the height of the adjacent bank. The crest shall be sloped down
85 and away from the bank;
- 86 (vi) be keyed into the bank to assure integrity during high flows;
- 87 (vii) be supported by piles installed at a depth determined by a qualified
88 geotechnical engineer; and
- 89 (viii) when rock is used, be composed of angular rock of which not more than
90 thirty percent may have a length more than two and one-half times its thickness.
- 91 (k) Avulsion control structures: floodplain terraces

92 (i) Floodplain terraces shall be designed to contain the ten-year recurrence¹⁸
93 interval peak flow, and to overtop during greater flows.

94 (ii) Large woody material or vegetative roughness elements shall be located on
95 the floodplain approximately perpendicular to the down-valley slope, on either
96 side of banks vulnerable to avulsion (such as tight bends). Roughness elements
97 shall not be placed at the immediate channel margin.

98 (iii) Large woody material shall be anchored to the floodplain if high shear
99 stresses are anticipated at flood flows.

100 (l) Avulsion control structures: flow spreaders

101 (i) Flow spreaders may be constructed from rock, soil, wood, live plants (i.e.
102 cottonwood boles), or vegetated soil berms.

103 (A) Vegetative soil berms shall incorporate fabric to hold soils in place
104 while vegetation becomes established.

105 (B) Rock or other clean, non-toxic armor material shall be sized and
106 installed in a manner to protect against scour.

107 (ii) The top of the spreader shall be at or near the elevation of the flood that the
108 spreader is designed to control, with allowances for increased water elevation
109 due to backwatering caused by the spreader itself.

110 (iii) Spreaders shall be constructed in series, to prevent stream channel
111 formation. Spreaders shall be located to prevent water from flowing around the
112 spreader and scouring.

113 (4) Freshwater lake stabilization.

114 In addition to the requirements in subsections (1) and (2), the following technical provisions
115 apply to freshwater lake stabilization.

116 (a) The toe of the structure shall be placed landward of the ordinary high water line.

117 (b) Rock used for construction shall be composed of clean, angular material.

118 (c) All materials used in the construction shall be the size specified by a qualified
119 engineer and included in the hydraulic project approval to prevent its being washed
120 away by high water or wave action.

121 (d) Material that is waterward of the ordinary high water line shall not be used for
122 backfill.

123 (5) Marine and estuarine shoreline stabilization: general requirements

124 In addition to the requirements in subsections (1) and (2), the following provisions apply to
125 shoreline stabilization in saltwater areas, except as provided in subsection (6) for single family
126 residence bulkheads.

127 (a) Shoreline stabilization proposals shall include:

128 (i) a description of the shoreline processes that may be affected by the project, if
129 known; and

130 (ii) drawings that show the project in a reach setting with dominant erosion
131 processes and existing shoreline stabilization structures within the reach.

132 (b) All natural habitat features on the beach larger than twelve inches in diameter
133 including trees, stumps and logs, and large rocks shall be retained on the beach
134 following construction.

135 (c) Project activities shall not occur when the project area including the work corridor,
136 excluding the area occupied by a grounded barge, is inundated by tidal waters.

137 (d) The construction of shoreline stabilization structures shall not adversely impact
138 seagrasses and kelp.

139 (e) The construction shoreline stabilization structures shall not result in a permanent
140 loss of surf smelt or Pacific sand lance spawning beds, or in the permanent loss of
141 sediment supply to the beach.

142 (f) Intertidal wetland vascular plants (except noxious weeds) adversely impacted due to
143 construction of shoreline stabilization structures shall be replaced using proven
144 methodology.

145 (g) The waterward face of a new bulkhead adjacent to salt water shall be located at or
146 landward of the ordinary high water line. Where this is not practicable due to
147 geological, engineering, or safety concerns, as detailed in an appropriately conducted
148 analysis performed by a geotechnical, structural, or civil engineer licensed in the state of
149 Washington, the waterward face of the new bulkhead shall be located only as far
150 waterward of the ordinary high water line as necessary to excavate for footings or place
151 base rock for the structure. In addition, the waterward face of any bulkhead shall be
152 located as close to the toe of the bank as possible.

153 (h) The waterward face of a replacement bulkhead adjacent to salt water shall be
154 located no further waterward than the structure it is replacing. The department may
155 permit waterward placement of a replacement bulkhead in cases where removal of the
156 existing bulkhead would result in environmental degradation (e.g., release of
157 deleterious material) or problems due to geological, engineering, or safety concerns as
158 detailed in an appropriately conducted analysis performed by a geotechnical or
159 structural engineer licensed in the state of Washington. Where removal of an existing

160 bulkhead is not practicable, the replacement or repair bulkhead shall be placed
161 waterward of and directly abutting the existing structure. The least impacting type of
162 structure and method of construction shall be used in these instances.

163 (i) When stockpiling of sand, gravel, and other coarse material is allowed below the
164 ordinary high water line, it shall be placed within a designated work corridor waterward
165 of the bulkhead footing or base rock. All excavated or stockpiled material shall be
166 removed from the beach within seventy-two hours of bulkhead construction.

167 (j) If sand, gravel, and other coarse material are to be temporarily placed where they will
168 come into contact with tidal waters, this material shall be covered with filter fabric and
169 adequately secured to prevent erosion and/or potential entrainment of fish¹⁹.

170 (k) The department may require placement of appropriately sized sand /gravel as
171 mitigation.

172 (l) The construction of shoreline stabilization structures is prohibited in sea grass beds,
173 Pacific herring spawning beds, and lingcod and rockfish settlement and nursery areas.

174 (6) Single-family residence bulkheads in saltwater areas.

175 (a) Single-family residence bulkheads in saltwater areas shall not result in the
176 permanent loss of critical foodfish or shellfish habitat. Critical habitats pertaining are
177 those that serve an essential function in the developmental life history of fish life.
178 These habitats include the saltwater habitats of special concern listed in WAC 220-110-
179 049 XXX. Bulkheads, rock revetments, or other hard armoring are prohibited in
180 saltwater habitats of special concern, except where essential to protect existing
181 infrastructure that cannot be removed or relocated.

182 (b) The waterward face of a new bulkhead or rockwall shall be located only as far
183 waterward as is necessary to excavate for footings or place base rock for the structure
184 and under no conditions shall be located more than six feet waterward of the ordinary
185 high water line.

186 (c) To determine if a timing constraint is appropriate for a single family residence
187 bulkhead project, the department shall consider the construction techniques, location
188 of the project, and characteristics of habitats that may be affected by the project, and
189 may include an inspection of the project site to evaluate the particular habitats near the
190 project. Timing constraints shall be applied on a case-by-case basis for the protection of
191 critical habitats, including but not limited to migration corridors, rearing and feeding
192 areas, and spawning habitats, for the proper protection of fish life.

193 When a single family residence bulkhead project may affect more than one critical
194 habitat, the department shall apply the more protective timing constraint.

195 (d) Because surf smelt spawn over extended time periods, special conditions apply.
196 Timing conditions to protect surf smelt spawning beds shall be imposed if a bulkhead
197 project is located on or where it may affect documented surf smelt spawning beds.

198 (i) If the surf smelt spawning season for the project location is less than six
199 months, the department may specify that construction take place outside of the
200 spawning season.

201 (ii) If the surf smelt spawning season for the project location is six months or
202 longer, then the department will permit work only if it commences within forty-
203 eight hours of inspection by a department representative or biologist who has
204 been certified by the department for forage fish surveys, and it is determined
205 that no spawn is present and no spawning is occurring or has recently occurred.

206 (iii) Projects may be further conditioned to require completion within a limited
207 number of days.

208 (e) During times when waters of the state are closed to protect nearshore juvenile
209 salmonid migration, rearing, and feeding areas, the department may permit
210 construction if the bulkhead is located at or landward of the ordinary high water line,
211 and if all construction work is conducted from the landward side of the project.

212 (7) Jetties and breakwaters.

213 (a) The department may require removable breakwaters in place of permanent
214 breakwaters.

215 (b) The proponent of a permanent breakwater must:

216 (i) Provide a technical report describing the background and assumptions used to
217 design the project so that it meets habitat protection requirements, including
218 salmonid migration corridors in salmonid-bearing waters.

219 (ii) Provide plans that apply the findings in the technical report to the site.

220 (A) Drawings containing plan, profile and cross sections showing existing
221 conditions and the proposed structure and activities to fully describe
222 the proposed breakwater.

223 (B) A maintenance plan containing:

224 (I) A commitment to maintain the structure so that it continues
225 to function as designed.

226 (II) A plan to monitor for alterations to nearshore sediment
227 supplies and to replace/remove sediments as necessary.

¹⁵ In common usage, “bank protection” typically refers to streambank protection and “shoreline protection/stabilization” refers to marine or lake shores, so the title may change from “bulkheads and bank protection” to “shoreline and bank stabilization.”

¹⁶ WDFW is aware that there could be related proposals to excavate bed material to meet this provision.

¹⁷ Further discussion/research into whether the 100-year peak flow is appropriate in “threat” situations is underway.

¹⁸ Further research is needed into whether the 10-year interval is appropriate.

¹⁹ If this is not practical (for example, due to wave energy), should such stockpiling not be allowed?

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1 **220-110-063 Buoy**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
4 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 This section applies to the location, placement and maintenance of mooring buoys, marker
7 buoys, and other similar devices in freshwater and saltwater areas.

8 (1) Design and location

9 (a) Avoid locating buoys in sensitive aquatic habitats such as seagrass, kelp, salt
10 marshes, shellfish harvesting areas, or known fish spawning areas.

11 (b) Minimize disturbance to submerged aquatic vegetation and the bottom substrate of
12 the water body.

13 (c) Locate buoys at depths that will allow vessels to remain afloat at the lowest possible
14 water levels to prevent vessel grounding and propellers from disturbing the bed of the
15 water body.

16 (2) Placement

17 (a) Buoys shall be anchored securely.

18 (b) Buoys shall be installed so that anchor lines do not drag.

19 (c) Buoys shall be deployed at the location indicated on the site plan submitted and
20 approved by the department.

21 (d) Installation of embedment style mooring anchors are preferred by the department
22 over surface style mooring anchors. Mooring anchors shall be adequately sized to
23 secure vessels or structures and prevent the anchor from shifting or dragging along the
24 bed of the water body.

25 (3) Construction Material

26 (a) Moorings (including anchors and floats) are to be made of non-toxic material. If
27 concrete anchors are used, they are to be pre-cast and cured away from water before
28 use.

29 (b) Flotation for the structure shall be fully contained in a shell that prevents breakup or
30 loss of the flotation material into the water and is not readily subject to damage by

31 ultraviolet radiation and abrasion caused by rubbing against dock fixtures, the bed,
32 and/or waterborne debris.

33 (4) Maintenance

34 (a) Mooring structures should be kept in good repair through a regular inspection.
35 Derelict or unused floats, lines, chains or cables should be disposed properly.

36 (b) Mooring buoys shall be marked with an identification number issued by the
37 department (for example, the HPA control number) or a department of natural
38 resources issued identification number.¹

DRAFT

¹ Need AAG opinion on whether can require identification tags. Is this a restriction that is “protection of fish life”? (The originator of this idea argued that it was protective, in that if we know whose buoy is dragging/scouring/too shallow/damaging habitat, we can go after them to fix it. If the buoys are not labeled, we can’t).

1 **220-110-064 Log booming and storage**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
4 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 The provisions in this section apply to construction and location of freshwater and saltwater log
7 booming and storage areas.

8 (1) General

9 (a) Design Criteria

10 (i) New in-water log storage areas shall not be located within fish passage
11 corridors.

12 (ii) The log booming and storage area shall not:

13 (A) Result in the permanent loss of fish and benthic macroinvertebrate
14 habitat.

15 (B) Adversely impact tidal current, littoral drift, or native beach materials.

16 (b) Storage. Logs, log bundles, or log rafts shall be stored in areas where they will not
17 ground.

18 (2) Freshwater Areas

19 (a) Design Criteria

20 (i) New log booming and storage areas shall not be sited within three-hundred
21 feet of the mouth of anadromous fish streams, or in areas known to be
22 important for fish spawning or rearing.

23 (ii) The log booming and storage area must be at least two hundred feet from
24 existing aquatic vegetation.

25 (b) Storage. Logs placed in temporary storage below the ordinary high water line shall
26 not be located over or immediately adjacent to the critical freshwater habitats identified
27 in WAC 220-110-XXX.

28 (3) Saltwater Areas

29 (a) Design Criteria. Log booming and storage areas shall not be sited on or adjacent to
30 extensive tideflats, salt marshes, kelp or seagrass, or shellfish concentration areas.

31 (b) Storage. Logs placed in temporary storage below the ordinary high water line shall
32 not be located landward of minus twelve feet MLLW and shall not be located over or
33 adjacent to the saltwater habitats of special concern identified in WAC 220-110-
34 049XXX²⁰.

²⁰ How will this affect existing log storage areas?

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1 **220-110-065 (formerly -060 and -300) Docks (piers, ramps, and floats) and**
2 **pilings**

3 Conformance with other applicable provisions: all projects shall meet the standards listed in
4 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
5 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
6 addition:

7 The provisions in this section apply to location, design and construction of docks (piers, ramps,
8 and floats), whether permanent, seasonal, or temporary, in freshwater and saltwater areas.

9 (1) General.

10 (a) Location and design criteria.

11 (i) Docks, including piers, floats, and ramps shall be designed to avoid or
12 minimize impacts to fish migration corridors, fish spawning habitat, and fish
13 nursery and settlement areas.

14 (ii) Docks, including piers, floats, and ramps shall be located a minimum of
15 twenty-five feet (measured horizontally from the edge of the structure) in all
16 directions from intertidal vascular plants, seagrass, kelp in saltwater and native
17 aquatic vegetation in freshwater.

18 (iii) Docks, including piers, floats, and ramps shall be designed and constructed to
19 allow maximum light penetration.

20 (iv) Docks, including piers, floats, and ramps shall be designed so that no
21 grounding of the floats occurs.

22 (v) Skirting is prohibited.

23 (b) Materials.

24 (i) Flotation for the structure shall be fully enclosed and contained in a shell
25 (tub) that prevents breakup, or loss of the flotation material into the water, and
26 is not readily subject to damage by ultraviolet radiation and abrasion.

27 (c) Pilings.

28 (i) The structure shall use the minimum number of pilings necessary, consistent
29 with safety and resource protection, using large spans on fewer pilings rather
30 than small spans on more pilings.

31 (ii) Piles for a new pier shall be spaced no closer than 20 feet apart and shall be
32 no greater than 10-inches in diameter.

33 (iii) Replacement or new piling can be steel, concrete, recycled plastic or
34 untreated or treated wood. Wood treated with creosote or pentachlorophenol
35 shall not be used in any hydraulic project.

36 (2) Saltwater Areas

37 (a) Piers.

38 (i) Piers shall not exceed 6 feet in width.

39 (ii) If the width of the pier is greater than 4 feet (up to 6 feet), it shall have
40 grating installed on at least 30% of the surface.

41 (iii) If the pier is oriented in a north/south direction the grating shall be installed
42 along the length of the pier for the entire length. If the pier is oriented in
43 another direction, the grating shall be installed along the width of the pier,
44 evenly spaced along the entire length of the pier.

45 (b) Ramps.

46 (a) Ramps shall not exceed 4 feet in width.

47 (b) Ramps shall be constructed entirely of grated material.

48 (c) Floats.

49 (i) Float shall not exceed 8 feet in width.

50 (ii) For a single-family structure, a float shall not exceed 30 feet in length.

51 (iii) For a joint-use structure, a float shall not exceed 50 feet in length.

52 (iv) If the float is positioned perpendicular to the ramp, the float installed to
53 accommodate the movement of the ramp due to tidal fluctuations shall not
54 exceed 6 feet in width and 10 feet in length.

55 (v) If the width of the float(s) is 6 feet or less it shall have grating on at least 30%
56 of the surface. If the width of the float(s) is greater than 6 feet (up to 8 feet) it
57 shall have grating on at least 50% of the surface. Flotation shall be located under
58 the solid decked area only.

59 (vi) All grating shall have at least 60% open area. Grating shall be oriented so the
60 lengthwise opening is in the east-west direction to maximize the amount of light

61 penetration. Light penetration should not be blocked by any objects on, above or
62 below the grating.

63 (vii) If anchors are used to hold the float in place, anchor lines shall not rest on
64 the substrate at any time. Floats may be held in place with lines anchored with a
65 helical screw or “duckbill” anchor, piling, piling with stoppers and/or float
66 support/stub pilings.

67 (3) Freshwater Areas with anadromous salmonids. A pier, ramp and float design is required for
68 docks constructed freshwater systems with anadromous salmonids.

69 (a) Piers.

70 (i) The pier shall not exceed 4 feet in width.

71 (ii) Piers shall extend at least forty feet perpendicular from the OHWL.

72 (iii) Piers shall be fully grated.

73 (iv) All grating shall have at least 60% open area. If a pier is oriented in a
74 north/south direction the grating shall be installed along the length of the pier
75 for the entire length. If the pier is oriented in another direction, the grating shall
76 be installed along the width of the pier, evenly spaced along the entire length of
77 the pier.

78 (v) The bottom of pier shall be at least one and one-half feet above OHW.

79 (b) Ramps.

80 (i) Ramps shall not exceed 4 feet in width.

81 (ii) Ramps shall be fully grated.

82 (iii) The open area of grating shall be at least 60%.

83 (c) Floats.

84 (i) Floats shall not exceed 8 feet in width.

85 (ii) Floats shall not exceed 20 feet in length.

86 (iii) Functional grating shall cover at least 50% of the surface area of floats.

87 (iv) Freeboard height on floats shall be at least 10 inches.

88

89 (4) Freshwater areas without anadromous salmonids.

90 The department may authorize either a pier, ramp and float design or a floating dock design for
91 docks constructed freshwater systems without anadromous salmonids.

92

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1 **220-110-066 (formerly -330) Marinas and marine terminals**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
4 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 The provisions in this section apply to construction, maintenance, repair, and removal of
7 marinas and marine terminals in freshwater and saltwater areas.

8 (1) General Provisions

9 (a) The department prefers that new marinas and marine terminals be located:

10 (i) In areas that are naturally deep enough to avoid resuspension of sediments
11 associated with prop wash.

12 (ii) In existing developed areas.

13 (iii) Where nearshore areas have already been dredged, or in areas where the
14 natural bathymetry of the shoreline steeply drops off close to shore.

15 (iv) In areas with low or impaired biological integrity.

16 (b) Physical modeling, numerical models, or other information that demonstrates
17 adequate water exchange and circulation shall be required in the design and location of
18 new and expanded marinas and marine terminals.

19 (c) New and expanded marinas and marine terminals shall be designed to avoid impacts
20 to fish migration corridors, fish spawning areas, and fish settlement and nursery areas.

21 (d) New and expanded marinas and marine terminals shall be located a minimum of
22 twenty-five feet in all directions from intertidal vascular plants, seagrass, kelp, and
23 native freshwater aquatic vegetation. .

24 (e) New and expanded facilities shall be sited so that dredging is not required.

25 (f) New and expanded marinas and marine terminals shall be constructed so that
26 most of the overwater coverage is waterward of the photic zone. Overwater
27 coverage within the photic zone shall be designed and constructed to reduce
28 shading to the extent practicable.

29 (g) New and expanded marinas and marine terminals shall not adversely impact tidal or
30 river currents, wave energy, and sediment transport

31 (2) Maintenance and Repair. Per RCW 77.55.151, the department shall issue a renewable, five-
32 year permit, upon written request, for regular maintenance activities. For the purposes of this
33 section, regular maintenance activities are only those activities necessary to restore the marina
34 or marine terminal to the conditions approved in the initial permit.

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1 **220-110-067 (formerly -224 and -290) Boat ramps, launches, and hoists**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
4 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 The provisions in this section apply to boat ramps, launches and hoists in saltwater and in some
7 freshwater areas.

8 (1) Boat ramps, launches and hoists in saltwater.

9 (a) Boat ramps, launches and hoists shall be designed and located to avoid adverse
10 impacts to surf smelt, Pacific sand lance, and Pacific herring spawning beds, rockfish
11 and lingcod settlement and nursery areas, intertidal vascular plants, seagrass and kelp.

12 (b) Hard surface boat launch ramps shall be designed and located so that the majority of
13 any excavation occurs above the OHWL.

14 (c) Pre-cast concrete planks are recommended for construction of the underwater
15 portion of hard surface boat launch ramps.

16 (d) Boat ramps and launches shall not require dredging to construct or future dredging
17 to maintain.

18 (e) Elevated ramps and launches, including railway-type boat launches, shall be of
19 sufficient height above the bed to:

20 (i) minimize obstruction of waves and tidal currents;

21 (ii) minimize alteration of sediment transport; and

22 (iii) eliminate the accumulation of drift logs and debris under the structure.

23 (f) Beach- level ramps and launches:

24 (i) shall be level with the beach slope within the nearshore area;

25 (ii) shall have side slopes no steeper than one and one-half feet horizontal to one
26 foot vertical.

27 (g) Boat hoists shall not have permanent or temporary covers, sides or roofs.

28 (2) Boat ramps, launches, and hoists in freshwater.

- 29 (a) Portable boat hoists in many lakes do not require a permit; see WAC 220-110-035
30 (11) XXX.
- 31 (b) Railway-type boat launches shall be designed to cause minimal interference with
32 stream flow.
- 33 (c) Boat ramps, launches, and hoists shall not be located on, over or immediately
34 adjacent to fish spawning areas.
- 35 (d) Hard surface boat ramps and launches shall be designed and located so that the
36 majority of any excavation occurs above the OHWL, with portions of the ramp located
37 below the OHWL closely matching the natural shoreline grade.
- 38 (e) Pre-cast concrete planks are recommended for construction of the underwater
39 portion of hard surface boat launch ramps.
- 40 (f) Boat ramps and launches shall not require dredging to construct or future dredging
41 to maintain.
- 42 (g) Boat ramps, launches, and hoists shall avoid impacts to holding areas for adult fish,
43 migration corridors for juvenile fish, shallow areas and areas of aquatic vegetation.
- 44 (h) Elevated ramps and launches, including railway-type boat launches, shall be of
45 sufficient height above the substrate within the beach area to:
- 46 (i) minimize obstruction of currents;
- 47 (ii) minimize alteration of sediment transport; and
- 48 (iii) eliminate the accumulation of drift logs and debris under the structure.
- 49 (iv) The side slopes of a boat ramp shall be no steeper than two feet horizontal
50 to one foot vertical.
- 51 (j) Beach- level ramps and launches:
- 52 (i) shall be level with the beach slope within the riparian area; and
- 53 (ii) shall have side slopes no steeper than two feet horizontal to one foot vertical;
- 54 (k) Boat hoists shall not have permanent or temporary covers, sides or roofs.
- 55

1 **220-110-068 Barge landing sites**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX036XXX036XXX—General Requirements for all HPAs, and any of the
4 provisions listed in WAC 220-110-037XXX through 220-110-339XXX that are applicable to the
5 specific project. In addition:

6 This section applies to the design, placement and operation of barge landing sites in freshwater
7 and saltwater areas.

8 (1) Design Criteria

9 (a) The barge and landing craft ramp shall extend landward of the waterward end of the
10 existing concrete ramp, or landward of the mean high water tide elevation (MLLW =
11 0.00) in marine waters or landward of OHWL in fresh water.

12 (2) Placement

13 (a) Spuds shall not be deployed in aquatic vegetation.

14 (3) Site Operations

15 (a) Temporary ramps, associated ramp support structures and temporary mats shall be
16 removed from the beach immediately upon completion of loading or offloading
17 operations.

18 (b) The operation of motorized equipment waterward of the ordinary high water line
19 during loading or offloading operations shall be restricted to the footprint of the barge
20 and landing craft ramp, temporary ramps, temporary mats and the existing concrete
21 ramp. No motorized equipment may be operated on the beach beyond the footprint of
22 the barge and landing craft ramp, temporary ramps, temporary mats and the existing
23 concrete ramp.

24 (c) Motorized equipment used during loading and offloading operations shall be
25 operated in the dry.

26 (d) If the beach slope at the proposed landing site is shallow or aquatic vegetation is
27 present, landings shall occur with engines operated at idle to prevent prop related
28 impacts.

29 (e) All materials spilled on the beach or bed during loading or offloading operations shall
30 be removed and prevented from re-entering waters of the state.

1 **220-110-069 Covered moorage, boathouses, houseboats, and associated**
2 **moorage**

3 Conformance with other applicable provisions: all projects must meet the standards listed in
4 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
5 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
6 addition:

7 This section applies to the location, design, placement, repair, maintenance and relocation of
8 covered moorage, boathouses, houseboats and associated mooring in freshwater and saltwater
9 areas.

10 (1) New enclosed or covered moorages, boathouses, houseboats and associated moorage are
11 prohibited.

12 (2) Existing or replacement enclosed or covered moorage, boathouses and houseboats may be
13 relocated and reconfigured within an approved marina if the relocation and reconfiguration
14 does not increase overwater coverage. In saltwater, the relocated structures shall be located
15 waterward of minus ten²¹ feet MLLW. In freshwater, the relocated structures shall be located
16 at least forty feet waterward of the OHWL, and in water at least ten feet deep.

17 (3) Existing enclosed or covered moorage, boathouses, houseboats and associated mooring
18 may be maintained, repaired, rehabilitated, or replaced provided the amount of overwater
19 coverage from the structure does not increase and the structures comply with the following:

20 (a) Replacement and rehabilitated enclosed or covered moorage, boathouses,
21 houseboats, and associated mooring shall be located a minimum of fifty horizontal feet
22 in all directions from kelp and seagrass and native freshwater aquatic vegetation.

23 (b) Replacement and rehabilitated enclosed or covered moorage, boathouses,
24 houseboats and associated mooring shall not be placed in or over herring spawning
25 habitat.

26 (c) Replacement flotation for the structure shall be fully enclosed and contained in a
27 shell (tub) that prevents breakup, or loss of the flotation material into the water, and is
28 not readily subject to damage by ultraviolet radiation and abrasion.

29 (d) Replacement roofs, walls and doors of existing enclosed or covered moorage, and
30 boathouses shall have a minimum of sixty percent of the surface area covered by
31 material such as grating or clear, translucent material that allows light to reach the
32 water. Clear translucent material shall have greater than 90% light transmittance as
33 rated by the manufacturer.

34 (e) Replacement interior walls and ceiling of enclosed or covered moorage, and
35 boathouse shall be painted white to maximize the internal distribution of light.

²¹ This provision is in existing rule. Is it sufficiently protective of fish life? In some areas, the photic zone extends seaward of -10 ft MLLW.

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1 **220-110-070 Water crossing structures**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX – General Requirements for all HPAs, and any of the provisions listed in
4 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 (1) General requirements for all water crossing structures.

7 (a) To achieve the overall objectives listed in WAC 220-110-010, water crossing structures
8 must:

9 (i) ensure free and unimpeded fish passage for all species of adult and juvenile fishes;

10 (ii) preserve spawning and rearing habitat;

11 (iii) incorporate mitigation measures as appropriate to achieve no-net-loss of fish
12 habitat;

13 (iv) preserve or restore natural stream processes; and

14 (v) prevent bed scour and coarsening of the substrate.

15 (b) Road approaches shall be composed of material that, if eroded into the stream, shall not
16 be detrimental to fish life. They shall also be designed and maintained to minimize direct
17 discharge of sediment-laden water to the stream channel.

18 (c) If the bed downstream of a proposed water crossing structure is incising, then the water
19 crossing structure must be designed to accommodate incision to ensure that fish passage is
20 preserved. If an existing structure is perched, the replacement structure must
21 accommodate the streambed elevation changes likely to occur.

22 (d) New or replacement water crossing structures shall be located to cross the road
23 perpendicularly, or as close to perpendicular as practicable.

24 (e) Water crossing construction work shall be isolated from flowing water by an approved
25 method.

26 (f) Temporary water crossing structures shall remain in place only during the seasonal work
27 times authorized in the HPA, or for a maximum of one year. If fish passage, spawning, or
28 incubation would be impacted by the presence of the structure during the one year
29 maximum, the structure shall be removed prior to the impact occurring.

30 (g) Ditch lines shall be constructed, sloped, and surfaced to prevent the discharge of
31 untreated sediment and other road surface contaminants to waters of the state.

- 32 (h) [Placeholder: add a section on culvert removal, such as RMAPs]
- 33 (2) Technical requirements for bridge construction. An HPA is required for construction or
34 structural work associated with any bridge structure waterward of or across the ordinary
35 high water line of state waters.
- 36 (a) With the exception of mid-channel piers as specified in (i) and (ii) below, all bridge
37 elements that may come in contact with waters of the state, including but not limited to
38 abutments, piers, pilings, sills, foundations, armor rock, riprap, aprons, wing walls, and
39 approach fills shall be placed landward of lines spaced at least one and two-tenths times
40 bankfull width apart plus two feet. Pier placement waterward of the ordinary high
41 water line shall be avoided, where practicable.
- 42 (i) Where mid-channel piers are necessary, they shall be placed on deep
43 foundations requiring no additional scour protection. The distance between mid-
44 channel piers, or between a mid-channel pier and the bank, must allow the
45 passage of ice and debris expected during one-hundred year flood flows or an
46 approved design flood.
- 47 (ii) Mid-channel construction shall be separated from waters of the state by use
48 of an approved stream bypass structure.
- 49 (b) Bridges in streams with active floodplains shall have a span wide enough so as not to
50 increase main channel average velocity by more than 10% higher than the main channel
51 average velocity in the natural unobstructed channel (outside of the influence of the
52 bridge or other water crossing structures.) This velocity shall be determined at the one
53 hundred-year flood flow or an approved design flood.
- 54 (c) Each bridge shall be sized to allow the down-valley meander migration that is expected
55 to occur during the bridge's lifespan.
- 56 (d) Where there are existing flood control levees at the bridge construction site, or other
57 infrastructure that is not the property of the bridge owner, the bridge may be designed
58 to a shorter span than provided for in provisions (a), (b), and (c) with departmental
59 approval.
- 60 (e) For bridges that are constructed on spread footings, the footings shall be placed
61 sufficiently below scour depth to prevent undermining without the use of armoring.
- 62 (f) Bridges shall be constructed to pass the one hundred-year peak flow or approved design
63 flood with consideration of debris likely to be encountered during the design flood, and
64 so as not to erode or scour the bed, banks, abutments or approach fill both at the bridge
65 crossing and on adjacent properties. Bed scour shall be limited to no deeper than
66 prevailing pool depth. Bank erosion shall be limited to no greater than average lateral
67 bank erosion in the reach containing the bridge.

- 68 (g) Structures containing concrete shall be sufficiently cured prior to contact with water to
69 avoid leaching.
- 70 (h) Where aggregate or earth type material is used for paving on the bridge or bridge
71 approaches, or accumulated on the bridge, curbs or wheel guards shall be installed and
72 maintained to prevent the loss of such materials to the stream.
- 73 (i) Bank armoring with quarry rock or concrete associated with bridge design and
74 construction shall be limited to that necessary to support abutment and fill slopes at a
75 safe angle of repose. Bank armoring shall not be used to reduce bridge span to less than
76 that required in provisions (a), (b), and (c).
- 77 (j) For replacement bridges, or bridges that replace culverts, all structural elements
78 (including abutments, piers, pilings, sills, foundations, armor rock, aprons, wing walls,
79 guide walls, culverts and approach fills) of the old crossing shall be removed, unless
80 otherwise determined to not deleteriously affect fish life.

81 (3) Technical requirements for temporary culvert installation.

82 Temporary culverts shall be permitted only for the time of year that avoids the period when
83 high stream flows are expected. If a culvert is to remain in place during the time of year when
84 high flows are expected, it is no longer considered a “temporary” culvert, and the provisions
85 for permanent culvert installation in WAC 220-110-070 (4) XXX apply. Temporary culverts
86 shall be designed and installed to pass the flows expected during the time span that they will be
87 in place.

- 88 (a) When a temporary culvert will be in place in locations and during times of the year
89 where fish passage is a concern, temporary culverts shall provide fish passage. In these
90 cases, the temporary culvert installation shall be placed at zero gradient when
91 practicable. When it is necessary to place a culvert on a grade, the average velocity shall
92 not exceed the values given in Table XXX more than ten percent of the time frame that
93 the culvert is in place.

94 Table XXX
95 Maximum Velocity Design Criteria for Temporary Culverts

Culvert Length	Maximum Velocity
10 – 100 ft	4.0 feet per second
100 - 200 ft	3.0 feet per second
> 200 ft	2.0 feet per second

- 96 (b) Temporary culverts that require fish passage shall be countersunk a minimum of 20% of
97 the culvert rise at the culvert outlet.
- 98 (c) Disturbance of the bed and banks shall be limited to that necessary to place the culvert
99 and any required channel modification associated with it.
- 100 (d) The culvert shall be installed in the dry, or in isolation from stream flow, and fish shall be
101 removed from the work area as specified in WAC 220-110-037XXX.
- 102 (e) Angular rock or other imported materials used as fill shall be removed from the
103 watercourse and the site restored to preproject conditions upon removal of the
104 temporary culvert. Geotextile fabric shall underlay such imported temporary fill to
105 facilitate its removal.
- 106 (f) Temporary culvert and fill shall be removed, and the disturbed bed and bank areas shall
107 be reshaped to preproject configuration by the expiration of the permit.
- 108 (g) The temporary culvert shall be removed and the approaches blocked to vehicular traffic
109 immediately following culvert removal.
- 110 (4) Technical requirements for permanent culvert installation.
- 111 (a) In waters that contain fish habitat, culverts shall be designed and installed so as not
112 to impede passage of the mobile life stages of any fish species expected in that system.
- 113 (b) To facilitate fish passage, permanent culverts shall be designed to the following
114 standards:
- 115 (i) Permittee shall install stream simulation culverts unless the permittee can show
116 that stream simulation is not feasible, or that another design will provide equal or
117 better protection of fish life. Detailed design plans and supporting information
118 that address the following design criteria must be included in applications for
119 stream simulation culverts:
- 120 (A) The width of the bed inside a stream simulation culvert must
121 equal or exceed one and two-tenths of the bankfull plus two
122 feet.
- 123 (B) The slope of the bed inside a stream simulation culvert must
124 not exceed the slope of the upstream channel by more than
125 twenty-five percent.
- 126 (C) A stream simulation culvert must be embedded below the
127 adjacent stream channel a minimum of thirty percent of the
128 culvert rise, and a maximum of fifty percent of the rise. The
129 top of the footings of bottomless culverts must be embedded

130 sufficiently below potential scour depth to prevent exposure
131 of the footing surface.

132 (D) The particle size of the sediment placed inside the culvert
133 must be within twenty percent of the median particle size
134 found in the adjacent natural streambed. In highly altered
135 channels, such as those diked or channelized by fill , a reach
136 supported by natural process and of appropriate slope and
137 dimensions shall be substituted for the adjacent channel.

138 (ii) No slope (zero slope) culvert design may only be used where the slope of the
139 stream channel is three percent or less, the bankfull channel width is eight feet
140 or less, and the culvert length is seventy feet or less. No slope culverts shall
141 meet the following criteria:

142 (A) No-slope culverts shall be countersunk a minimum of twenty
143 percent of the culvert rise at the culvert outlet, and up to a
144 maximum of forty percent. Culvert countersink must be filled
145 with streambed material of a size and gradation similar to that
146 found in the adjacent channel at the time of construction
147 unless either of the following conditions can be met:

148 (I) The culvert is located in a wetland or where
149 streambed sediment consists of predominantly fine
150 materials and the culvert will be backwatered, or

151 (II) Sediment is transported frequently enough and in
152 great enough quantity to fill the culvert rapidly and
153 without harm to the upstream channel.

154 (B) The width of the bed inside a no slope culvert at the twenty
155 percent countersink level shall be equal to or greater than the
156 bankfull width of the natural, adjacent channel. In the case of
157 a circular culvert, this means that the diameter of the culvert
158 will be the bankfull width plus twenty-five percent. For box or
159 pipe arch culverts, the span is equal to the bankfull width.

160 (C) The inlet of a no slope culvert shall be countersunk not more
161 than forty percent of its rise.

162 (D) No slope culverts shall not be installed with a gradient
163 exceeding one-half percent slope.

164 (c) Permanent culverts shall be installed to allow the free movement of large woody
165 material, ice, and transported sediment. At a minimum, culverts shall be designed and

- 166 constructed to pass the one hundred-year recurrence interval peak flow with
167 consideration of wood, ice, and streambed materials likely to be encountered.
- 168 (d) Fill associated with the culvert installation shall be protected from erosion to the one
169 hundred-year recurrence interval peak flow
- 170 (e) The culvert facility shall be maintained by the owner(s), such that criteria stated in
171 Chapter 220-110 WAC are maintained.
- 172 (f) Culvert elevations shall be established relative to permanent benchmarks established
173 prior to commencing work on the project. The benchmarks shall be located, marked
174 and protected to serve as post project reference.
- 175 (5) Technical requirements for fords
- 176 (a) Under RCW 77.55.031, driving a vehicle or operating equipment on or across an
177 established ford does not require an HPA.
- 178 (b) Driving a vehicle or operating equipment on or across wetted stream beds at areas other
179 than established fords requires an HPA. (See WAC 220-110-160 (5) XXX.)
- 180 (c) Constructing or repairing a ford requires an HPA.
- 181 (d) Temporary fords. Temporary fords shall be permitted only for the time of year that
182 avoids the period when high stream flows or spawning are expected.
- 183 (i) Fords shall be constructed perpendicular to stream flow.
- 184 (ii) Fill associated with the driving surface of a temporary ford shall consist of clean
185 washed gravel between one-quarter and four inches in diameter.
- 186 (iii) If the natural stream bed is composed of smaller material than gravel, then a
187 positive separation must be maintained between the watercourse bed and all fill
188 associated with the ford to ensure that material used in ford construction is
189 completely recoverable.
- 190 (e) Permanent fords
- 191 (i) Fords shall be constructed perpendicular to stream flow, or as close to
192 perpendicular as practicable.
- 193 (ii) Fords shall be designed using angular rock, articulating mats, or concrete
194 structures countersunk to the grade of the watercourse. The prism shall
195 be designed to withstand overtopping flood events, and natural debris
196 likely to be encountered during that flood event, without movement.

- 197 (iii) Fords may be considered for a permanent water crossing structure in
198 watercourses which;
- 199 (A) Are inaccessible due to snow pack, weather, or conditions which
200 seasonally limit access to the water crossing structure.
- 201 (B) Have extreme seasonal flow variations and low flows during
202 anticipated ford use.
- 203 (C) Have low bank height and low gradient approaches.
- 204 (D) Have seasonal or intermittent flows.
- 205 (E) Have dynamic floodplains such as alluvial fans.
- 206 (iv) Permanent fords in waters that are potential fish habitat shall be installed
207 at the bed elevation and channel bed slope without creation of a
208 hydraulic drop which hinders fish migration.
- 209 (v) The prism of the ford shall be countersunk below the watercourse bed.
- 210 (vi) Fill associated with the driving surface of a permanent ford shall consist
211 of material that will not attract spawning fish.
- 212 (vii) The driving surface of ford approaches shall be protected from erosion
213 throughout the life of the ford to ensure that erodible fines do not enter
214 waters of the state.

1 **220-110-071 Tide gates, flood gates, and associated structures**

2 All tide gate, flood gate, and associated man-made agricultural drainage facility projects must
3 meet the standards listed in WAC 220-110-036XXX-General requirements for the issuance of all
4 HPAs and any of the provisions listed in WAC 220-110-037XXX through 220-110-339XXX that
5 are applicable to the specific project. In addition:

6 (1) All tide gates and flood gates are considered barriers to the free movement of fish.
7 Modifications to the structure or operation of a tide gate or flood gate may improve passage,
8 but these modifications do not mitigate for the loss of access to upstream habitat. New tide
9 gates and flood gates will be permitted only when no practical alternative exists or that
10 flooding threatens human health or safety.

11 (2) New tide gates, flood gates, and associated man-made agricultural drainage facilities
12 shall be permitted only when mitigation is provided that fully compensates for the loss of
13 fish passage and natural habitat function.

14 (3) Where the department determines that protecting fish life means excluding fish from an
15 area, (e.g. water treatment facilities, artificial irrigation systems) tide gates, flood gates, and
16 associated man-made agricultural drainage facilities shall be constructed and maintained to
17 prevent fish access (e.g., by using cast iron or other heavy flap types of tide gates, or flexible
18 nozzle types of tide gates).

19 (4) Tide gates, flood gates, and associated man-made agricultural drainage facilities shall be
20 maintained in a manner or state initially permitted by the department. T

21 (5) Tide gates, flood gates, and associated man-made agricultural drainage facilities shall be
22 maintained free of debris and obstructions²². Large woody material that has accumulated on
23 the structures shall be moved, at a frequency determined by the department, to adjacent
24 areas where it would have deposited in the absence of the structure.

25 (6) The following applies to tide gates or flood gates that are not part of an agricultural
26 drainage or those that are part of an agricultural drainage constructed after May 20, 2003.

27 (a) Modified and replacement tide gates and flood gates shall be designed to restore
28 habitat processes and functions that support fish life and restore fish passage. Based on
29 the specific characteristics of the site, the department may require one or more of the
30 following design elements:

31 (i) Gates that can be automated or manually opened to maximize passage during
32 fish migration and other high-use periods. The department may determine when
33 opening must occur to facilitate fish passage.

34 (ii) Gates using technology such as gate operators, latches, and floats that keeps
35 the gate open until an agreed upon water level is reached.

36 (iii) Side-hinged gates that are properly mounted for maximum open area with
37 minimum head loss.

38 (iv) Gates constructed of lightweight material, such as aluminum or plastic.

39 (v) Culverts that meet requirements of WAC 220-110-070XXX and WAC 220-110-
40 075XXX.

41 (b) Tide gates shall be constructed and operated allow for fish egress during ebb tides.

42 (c) The minimum opening of tide gates shall be at least one foot with a maximum one-
43 quarter foot of head difference between the upstream and downstream water surface
44 elevation.

45 (d) To facilitate fish passage, culverts attached to tide gates used for fish passage shall
46 meet the requirements of WAC 220-110-070XXX and WAC 220-110-075XXX with the
47 following additional provisions:

48 (i) The design flow criteria may be modified for specific species as necessary
49 to address juvenile fish passage requirements.

50 (ii) Fish passage criteria shall be met ninety percent of the time that fish
51 passage is expected, unless alternative criteria are approved by the
52 department.

53 (iii) Culverts need not be countersunk, although minimum depth within
54 culverts shall be eight-tenths foot for ninety percent of the time that fish
55 passage is expected.

56

²² Maintenance is required for the life of the permit, but ideally it would be the life of the structure.
Need to discuss this issue.

1 **220-110-075 Fishways**

2 Fishways included in this section are fish ladders, weirs constructed for fish passage
3 management, roughened channels, trap-and-haul operations, and hydraulic design culvert
4 retrofits.

5 All projects must meet the standards listed in WAC 220-110-036XXX—General requirements for
6 the issuance of all HPAs, and any of the provisions listed in WAC 220-110-037XXX through 220-
7 110-339XXX that are applicable to the specific project.

8 (1) In addition, the following provisions apply to all fishways:

- 9 (a) Fishways shall be maintained in an effective condition and continuously supplied with
10 sufficient water to safely and efficiently pass all ninety percent of adult and juvenile fish,
11 both upstream and downstream of the obstruction. If sufficient water is not available,
12 fish must either not be present, not be actively migrating, or must be able to pass safely
13 without need of a fish passage facility.
- 14 (b) The passage mechanism shall not result in significant migratory delays, or mortality to
15 fish life due to disorientation, distraction, predation, stress, or injury. Fishways shall also
16 be designed to prevent fish from leaping out of the structure.
- 17 (c) A plan including a schedule of inspections by the operator of the structure, methods of
18 inspection, thresholds triggering maintenance activities for the life of the fishway, and
19 specific contingency alternatives in the event that the structure becomes a barrier to
20 fish passage shall accompany all fishway design applications and remain on file with
21 current and future owner(s).
- 22 (d) Fishways shall be inspected for proper function while fish are present, and cleared of
23 sediment and debris, at a frequency determined by the department. Wood and
24 sediment retrieved during inspection and maintenance shall be placed downstream of
25 the fishway. Individuals performing operations or maintenance shall be sufficiently
26 trained to operate the fishway. In addition, the fishway shall be inspected after flood
27 events and spring runoff to ensure that the structure is free of ice, debris, and bedload
28 material.
- 29 (e) If fish life is not present but historically existed in the stream, and fish recovery is determined to
30 be possible and practical by the department, fishways shall be constructed that are capable of
31 efficiently passing adult and juvenile fish.
- 32 (f) Passage shall not be provided over natural barriers. The department may grant
33 exceptions to implement a program to restore native fish species.

- 34 (g) Fishways shall have the capacity to accommodate expected run sizes to prevent
35 crowding and delay of the migration of fish life.
- 36 (h) Fishway operations may require shutdown of the facility during high flow events if the
37 flow exceeds the fish passage design flow. A fishway shall never be inoperable due to
38 high flows for a period greater than seven days during the migration period for any fish
39 species. The fishway shall be designed to withstand the maximum expected flow.
- 40 (i) Fishways shall function for as long as they are in place. The design shall consider site
41 specific conditions that could affect the function of the fishway, including; meander
42 migration or vertical change in streambed elevation; debris and bedload movement;
43 tampering, vandalism and poaching.
- 44 (j) The fishway shall be designed and constructed to withstand a one hundred-year
45 recurrence interval flood or an appropriately determined design flow.
- 46 (k) The applicant is responsible for providing the department, with the permit application,
47 site and biological information relevant to the specific project, such as information on
48 species present, hydrology and topography, and existing adjacent structures.

49 (2) Temporary Fishways

- 50 (a) Temporary fishways shall be installed to provide passage through temporary
51 obstructions. Fishways may not be required if a barrier exists for such short duration
52 that it is determined by the department that no lasting impacts to fish life will occur.
- 53 (b) Temporary fishways may also be approved by the department when permanent
54 structures are damaged or are under construction, maintenance, or repair, for
55 enhancement projects, or for seasonal water diversion structures such as irrigation
56 diversion dams.
- 57 (c) Temporary fishways shall remain operational for the duration of the temporary
58 obstruction and shall be maintained and adjusted as necessary to provide efficient
59 passage of fish life.

60 (3) Fish ladders

61 Fish ladders may be permitted if the fish ladder will enable fish passage at an existing barrier,
62 but only until the existing barrier structure has reached the end of its design life. Fish ladders
63 may also be permitted if, due to the nature of the obstruction as a flow control structure or the
64 slope of the stream, the department determines that a bridge, culvert, or roughened channel is
65 not practicable. As per WAC 220-110-036XXX, additional mitigation may be required if the fish
66 ladder cannot pass all fish.

67 Fish ladder design shall be appropriate for the slope of the channel, water surface elevations,
68 species present, flow regime, and conditions of the channel. All edges and surfaces exposed to
69 fish must be rounded or ground smooth to the touch, with all edges aligning in a single smooth
70 plane, to reduce the potential for contact injury. Fish ladders shall be designed with adequate
71 pool volume to provide hydraulic and fish capacity necessary for passage of all adult and
72 juvenile fish.

73 The following additional provisions apply to fish ladder projects.

74 (a) Entrance

75 (i) Fish Ladder entrance(s) shall provide sufficient streaming attraction flow during high
76 and low flows, without excessive velocity or turbulence, to ensure fish can locate and
77 enter the fish ladder without significant delay.

78 (ii) Fish Ladders shall be designed to minimize distractions that lure fish away from the
79 entrance, and to prevent fish from becoming trapped, injured, or stranded.

80 (iii) Multiple entrances shall be required if a single entrance cannot attract and provide
81 passage to all adult and juvenile fish. If the project site has multiple zones where fish
82 accumulate, each zone shall have a minimum of one entrance.

83 (iv) Artificial light may be required to optimize fish passage.

84 (v) Fish Ladder entrance(s) shall be large enough to accommodate all expected debris
85 and ice without damage or loss of passage efficiency.

86 (vi) The department shall specify the maximum hydraulic drop allowed for the structure
87 based on the species present.

88 (vii) Entrance pools and transition channels shall provide a stable flow pattern and
89 uniform velocity to allow fish to pass through the structure unimpeded.

90 (viii) The downstream bed shall be reinforced to prevent scour at the fish ladder outfall.

91 (b) Auxiliary water systems

92 (i) An auxiliary water system (AWS) shall be used that will supply supplementary water
93 to ensure fish are attracted to the fish ladder.

94 (ii) The diffuser shall be designed to discourage attraction of fish life to it and to protect
95 fish from injury. Spaces between diffuser bars shall be sized to exclude and prevent
96 injury to the smallest fish present. The department may require the AWS be screened to
97 prevent harm to fish life.

98 (iii) A trash rack may be required at the AWS intake

99 (iv) The auxiliary water supply shall not use water from external sources that could
100 confuse the homing instinct of fish.

101 (c) Exit. The fish ladder exit shall be located and maintained at depths comparable to depths
102 within the fish ladder.

103 (i) The fish ladder exit shall be located to ensure fish can find currents without excessive
104 velocity, and orient themselves to the shoreline to guide them upstream.

105 (ii) The fish ladder exit shall be designed so that it is protected from damage by debris.

106 (iii) The exit shall not be located in an area that could threaten fish survival.

107 (4) Weirs for fish passage. This section applies to weirs that partially or fully span a channel and
108 are used to manage the passage of fish, not to manage water flow. They include weirs in
109 natural channels used to restore channel bed profiles or dissipate flow energy in pools within
110 the stream.

111 The following additional provisions apply to weirs for fish passage:

112 (a) Weirs for fish passage shall be designed to control water surface elevation to provide
113 fish passage over or through an obstruction. They shall also be designed to minimize
114 impacts to natural channel geometry, such as expanded surface area of impoundments.

115 (b) Weirs shall be sited and operated to ensure continued fish passage for all species
116 present at all mobile life stages. The department may grant exceptions in cases where it
117 is implementing a program to restore native fish species or to protect native fish species
118 from the introduction of non-native fish species and fish passage blockage is part of the
119 project.

120 (c) Weirs shall be properly anchored for stability.

121 (d) Weirs shall be constructed to provide natural fish passage, such as a cascade. Log weirs
122 are discouraged.

123 (5) Roughened channels. Roughened channels are specifically designed to facilitate the passage
124 of fish around abrupt hydraulic drops, through culverts, or at diversion sites for water
125 withdrawal. The roughened channel typically increases gradient but counters this with
126 sufficient hydraulic complexity to allow for fish to pass.

127 Roughened channel designs shall be developed by trained engineers, hydrologists, fisheries
128 biologists, and/or geomorphologists, and approved by the department prior to beginning
129 construction. They may be required by the department for bypass around an obstruction where
130 non-leaping fish are present and/or other types of fishways would not be sufficient for
131 providing fish passage.

132 The following additional provisions apply to roughened channels:

133 (a) Roughened channels must meet the hydraulic requirements of hydraulic culverts found
134 later in this section, such as velocity, drop, turbulence, and flow requirements.

135 (b) When a roughened channel exploits an existing channel, it shall be designed to minimize
136 impact on the existing fish life and its habitat in the channel.

137 (c) The roughened channel bed material shall be of a size and gradation to resist erosion at
138 the design flood and must result in a dense structure that prevents subsurface flow.

139 (d) Channels shall be designed to accommodate passage of all migrating fish species at all life
140 stages that will access the channel.

141 (6) Trap-and-haul operations

142 (a) Installation and removal of fish traps for trap and haul activities requires an HPA.

143 (7) Hydraulic design

144 The department may permit hydraulic design culverts only to enable fish passage at an existing
145 barrier until the existing barrier structure has reached the end of its design life, or under
146 exceptional circumstances where other culvert methods cannot apply. Hydraulic design culverts
147 do not pass all fish species at all life stages, so additional mitigation requirements consistent
148 with WAC 220-110-036XXX shall apply.

149 Plans submitted to the department for hydraulic design culverts shall address the following
150 design criteria:

151 (a) Minimum water depth at any location within a hydraulic design culvert without a natural
152 bed shall be at least eight-tenths foot. This requirement does not apply to a roughened
153 channel. The low flow design, to be used to determine the minimum depth of flow in the
154 culvert, is the two-year seven-day low flow discharge for the subject basin. Where flow
155 information is unavailable for the site where the project will be conducted, calibrated
156 flows from a comparable gauged site may be used, or the depth may be determined by
157 measuring the depth of the culvert when no water is flowing.

158 (b) Maximum water velocity shall not exceed the values in Table XX at any point within the
159 culvert. Maximum water velocity is measured at the high fish passage design flow.

160 Table XX Maximum Velocity Design Criteria for Hydraulic Design Culvert Installation

Culvert Length	Maximum Velocity
10 – 100 ft	4.0 feet per second

100 - 200 ft	3.0 feet per second
> 200 ft	2.0 feet per second

- 161 (c) The maximum hydraulic drop within the culvert or at the culvert inlet or outlet shall not
162 exceed one-half foot.
- 163 (d) The culvert shall not be designed such that excessive turbulence within the culvert acts as
164 a barrier to fish passage.
- 165 (e) Design flow criteria may be modified for specific proposals as necessary to address
166 unusual fish passage requirements, where other approved methods of empirical analysis
167 are provided, or where the fish passage requirements of other special facilities are
168 approved by the department.
- 169 (f) Culvert design shall include consideration of flood capacity for current conditions and
170 future changes likely to be encountered within the stream channel, and debris and
171 bedload passage.
- 172 (g) To obtain a permit to construct a culvert using the hydraulic design method, a person shall
173 submit hydrology data and hydraulic design documentation prepared by a licensed
174 professional engineer that demonstrates compliance with the above criteria to the
175 satisfaction of the department.

1 **220-110-076 Fish guards/screens**

2 All diversions from waters of the state shall be equipped with a fish guard to prevent the
3 passage of fish into the diversion and, if necessary, with a bypass system capable of returning
4 fish from immediately in front of the fish guard to the waters of origin. All adult and juvenile
5 fish shall also be physically excluded from any negative effects, such as impingement on the
6 diversion screen, within the screen facility.

7 The following provisions are based on the swimming ability of emergent fry in low water
8 temperature conditions. The department assumes that salmonid fry and low water
9 temperatures are present at all sites and apply the appropriate criteria listed below, unless
10 adequate biological investigation proves otherwise. The department may modify these criteria,
11 or require additional criteria, if site-specific information indicates that different criteria would
12 provide better fish protection, or for large facilities or intakes within marine waters. The
13 department may require investigation by the applicant of important and poorly defined site-
14 specific variables that are deemed critical to development of the screen and bypass design.

15 All projects must meet the standards listed in WAC 220-110-036XXX-General Requirements for
16 the issuance of all HPAs, and any of the provisions listed in WAC 220-110-037XXX through 220-
17 110-339XXX that are applicable to the specific project. In addition, the following provisions
18 apply to fish screens:

- 19 (1) All fish screens
- 20 (a) Fish screens shall be designed to prevent migration delay or injury to fish, and to
21 deter predators. They shall be designed and located to minimize sediment
22 accumulation in or around the screen.
 - 23 (b) The fish screen and bypass structure shall be inspected, maintained, and kept free of
24 debris. All screen facilities shall be designed to function properly through the full
25 range of stream hydraulic conditions and in the diversion conveyance, and shall
26 account for debris and sedimentation conditions.
 - 27 (c) The face of all screen surfaces shall be placed flush, to the extent practicable, with
28 any adjacent screen bay, pier noses, and walls to allow fish unimpeded movement
29 parallel to the screen face and ready access to bypass routes.
 - 30 (d) Structural features shall be provided to protect the integrity of the fish screens from
31 large debris, and to protect the facility from damage if overtopped by flood flows. A
32 trash rack, log boom, sediment sluice, and other measures may be required by the
33 department.
 - 34 (e) Screen and bypass facilities shall be evaluated for proper function and the results
35 reported at a frequency determined by the department. The department may
36 require modifications to the structure if it is not protecting fish life.

- 37 (2) Screens in streams and rivers
- 38 (a) When physically practical and beneficial to fish life, the screen shall be constructed
39 at the point of diversion with the screen face parallel to river flow. When this
40 configuration is not practical, the screen may be located at the bankline and aligned
41 with the adjacent bankline, and the bankline shall be shaped to smoothly match the
42 face of the screen structure in order to minimize turbulence and eddying in front,
43 upstream, and downstream of the screen.
- 44 (b) When installation at the diversion entrance or bankline is not practical or not
45 beneficial to fish life, the screens may be installed in the canal downstream of the
46 entrance. All screens installed downstream from the diversion entrance shall be
47 provided with an effective bypass system designed to collect and transport fish
48 safely back to the river with minimum delay. The screen location shall be chosen to
49 minimize the effects of the diversion on instream flows by placing the bypass outfall
50 as close as practicable to the point of diversion.
- 51 (3) Screens in lakes, reservoirs, and tidal areas
- 52 (a) Intakes in lakes, reservoirs, and tidal areas shall be located offshore and a depth to
53 minimize fish contact with the facility.
- 54 (4) Rotating Drum Screens, Vertical Screens, and Inclined Screens
- 55 (a) The approach velocity shall not exceed 0.4 feet per second for active screens, or
56 two-tenths foot per second for passive screens.
- 57 (b) For rotating drum screens, the design submergence shall not exceed eighty-five
58 percent, nor be less than sixty-five percent of drum diameter. If stop logs are used,
59 they shall be located at least two drum diameters downstream of the back of the
60 drum.
- 61 (c) The screen shall be designed to provide for nearly uniform flow distribution over the
62 entire screen surface, thereby minimizing concentrated approach velocity over
63 portions of the screen face.
- 64 (5) End of Pipe Screens (including pump intake screens)
- 65 (a) End of pipe screens shall be place in locations with sufficient ambient velocity to
66 sweep away debris from the screen face, and designed in a manner to prevent
67 debris accumulation and provide for debris removal.
- 68 (b) End of pipe screens shall be submerged to a depth of at least one screen radius
69 below the minimum water surface, with a minimum of one screen radius clearance
70 between screen surfaces and natural or constructed features.

- 71 (c) A clear escape route shall exist for fish that approach the intake volitionally or
72 otherwise.
- 73 (6) Debris management
- 74 (a) Active screens shall be automatically cleaned to prevent accumulation of debris.
- 75 (b) Passive screens shall only be used when all of the following criteria are met:
- 76 (i) The site is not suitable for an active screen, due to adverse site conditions;
- 77 (ii) Uniform approach velocity conditions exist at the screen face, as
78 demonstrated by laboratory analysis or field verification;
- 79 (iii) The debris load is low;
- 80 (iv) The combined rate of flow at the diversion site is less than 3 cubic feet per
81 second;
- 82 (v) Sufficient ambient river velocity exists to carry debris away from the screen
83 face;
- 84 (vi) A maintenance program is approved by the department and implemented by
85 the water user;
- 86 (vii) The screen is frequently inspected with debris accumulations removed, as
87 site conditions dictate;
- 88 (viii) Sufficient stream depth exists at the screen site to provide for a water
89 column of at least one screen radius around the screen face; and
- 90 (ix) The screen is designed to allow easy removal for maintenance, and to
91 protect from flooding.
- 92 (c) Intakes shall include a trash rack in the screen facility design, unless otherwise
93 approved by the department, and the trash rack shall be kept free of debris and ice.
- 94 (7) Screens longer than six feet
- 95 (a) Screens longer than six feet shall be angled and have sweeping velocity greater than
96 the approach velocity.
- 97 (b) If an inclined screen face is used, it shall be oriented less than forty-five degrees
98 vertically with the screen length (upstream to downstream) oriented parallel to flow,
99 unless the inclined screen is placed in line with the riverbank and reasonably
100 matching the slope of the riverbank.

- 101 (8) Horizontal screens
- 102 (a) In-stream horizontal screens are considered experimental and shall only be
103 permitted if the majority of flow passes over the end of the screen at a minimum
104 depth of one foot, and positive downstream sweeping velocity in excess of the
105 approach velocity exists for the entire length of screen.
- 106 (9) Screen material
- 107 (a) Circular screen face openings shall not exceed three thirty-seconds of an inch (two
108 and four-tenths millimeters) in diameter. Perforated plate shall be smooth to the
109 touch with openings punched through in the direction of approaching flow.
- 110 (b) Slotted screen face openings shall not exceed seven one-hundredths of an inch (one
111 and seventy-five one-hundredths millimeters) in the narrow direction.
- 112 (c) Square screen face openings shall not exceed three thirty-seconds of an inch (two
113 and four-tenths millimeters) on the diagonal.
- 114 (d) The screen material shall be corrosion resistant and sufficiently durable to maintain
115 a smooth uniform surface with long-term use (e.g., stainless steel, aluminum,
116 engineered polymer).
- 117 (e) Other components of the screen facility (e.g., bottom and side seals) shall not
118 include gaps greater than the maximum screen opening defined above.
- 119 (f) The open area for any screen material shall be at least twenty percent.
- 120 (10) Fish bypass facilities. If a fish bypass system is required, the following provisions apply.
- 121 (a) The fish screen and bypass system shall be designed and operated with adequate
122 flow and water depth to move fish to the bypass outfall and through the bypass
123 system with a minimum of injury or delay. In cases where there is insufficient flow
124 available to satisfy hydraulic requirements at the bypass entrance for the primary
125 screen, a secondary screen may be required within the primary bypass.
- 126 (b) The bypass shall be designed so that the entrance is easily located by fish.
- 127 (c) The bypass shall be designed to allow fish to be routed back to the river safely when
128 the canal is dewatered. If this is impracticable, an approved fish salvage plan shall be
129 required.
- 130 (d) If the fish screen is greater than six feet long, it shall be constructed with the
131 downstream end of the screen terminating at a bypass entrance. Screens less than
132 or equal to six feet long may be constructed perpendicular to flow with a bypass

- 133 entrance at either or both ends of the screen, or may be constructed at an angle to
134 flow, with the downstream end terminating at the bypass entrance.
- 135 (e) A training wall shall be located at an angle to the screen face, with the bypass
136 entrance at the apex and downstream-most point. For single or multiple Vee screen
137 configurations, training walls are not required, unless an intermediate bypass is
138 used.
- 139 (f) The bypass pipe shall not be designed to include a hydraulic jump.
- 140 (g) Bypass systems shall be designed to minimize debris clogging, sediment deposition,
141 and turbulence. Access for inspection and debris removal shall be provided at
142 locations in the bypass system where debris accumulations may occur.
- 143 (h) Bends shall not be included in the layout of bypass pipes, unless debris clogging and
144 turbulence can be prevented. The ratio of bypass pipe center-line radius of
145 curvature to pipe diameter (R/D) must be greater than or equal to five.
- 146 (i) To reduce silt and sand accumulation in the bypass pipe, pipe velocity shall not be
147 less than two feet per second.
- 148 (j) If trash racks are used, sufficient hydraulic gradient shall be provided to route
149 juvenile fish from between the trash rack and screens to the bypass.
- 150 (k) The department may allow a natural channel be used as a bypass, if it provides
151 adequate depth and velocity, sufficient flow volume, protection from predation, and
152 good water quality.
- 153 (l) Bypass pipes and joints shall have smooth surfaces to provide conditions that
154 minimize turbulence, the risk of catching debris, and the potential for fish injury.
- 155 (m) Fish shall not be pumped within the bypass system, and shall not be allowed to free-
156 fall within a pipe or other enclosed conduit in a bypass system. Downwells shall be
157 designed with a free water surface, and designed for safe and timely fish passage
158 given turbulence, geometry, and alignment conditions.
- 159 (n) Sampling facilities installed in the bypass conduit shall not impair operation of the
160 facility during non-sampling operations.
- 161 (o) Closure valves shall only be used if determined by the department to be necessary
162 for protection of fish life.
- 163 (p) The design minimum depth of free surface flow in a bypass pipe shall be at least
164 forty percent of the bypass pipe diameter.
- 165 (q) Bypass entrance

- 166 (i) Each bypass entrance shall have independent flow-control capability and
167 shall be an adequate size to accommodate the entire range of bypass flow.
- 168 (ii) The bypass shall be located to avoid burial from deposition of bedload during
169 high flow.
- 170 (iii) The minimum bypass entrance flow velocity shall be greater than one-
171 hundred ten percent of the maximum canal velocity upstream of the bypass
172 entrance. The bypass shall be designed to ensure proper hydraulic conditions
173 are achieved for all operations throughout the smolt out-migration period.
- 174 (iv) Ambient lighting conditions shall be included upstream of the bypass
175 entrance and shall extend to the bypass flow control device. Where lighting
176 transitions cannot be avoided, they shall be gradual, or shall occur at a point
177 in the bypass system where fish cannot escape the bypass and return to the
178 canal.
- 179 (v) For diversions greater than three cubic feet per second, the bypass entrance
180 shall extend from the floor to the canal water surface, and shall be a
181 minimum of 18 inches wide. For diversions of three feet per second or less,
182 the bypass entrance shall be a minimum of twelve inches wide.
- 183 (vi) For diversions greater than twenty-five cubic feet per second, weirs used in
184 bypass systems shall maintain a weir depth of at least one foot throughout
185 the smolt out-migration period.
- 186 (r) Bypass outfall
- 187 (i) Bypass outfalls shall be located and designed to minimize predation. The
188 department may require that the point of impact for bypass outfalls be
189 located where ambient river velocities are greater than 4 feet per second
190 during the smolt out-migration.
- 191 (ii) Bypass outfalls shall be located where the receiving water is of sufficient
192 depth to ensure that fish injuries are avoided at all river and bypass flows.
193 The bypass outfall shall be designed to minimize the impacts to fish habitat
194 from flow entering the river.
- 195 (iii) The bypass outfall discharge into the receiving water shall be designed to
196 avoid attraction of adult fish in order to reduce the potential for jumping
197 injuries and false attraction, and to provide a safe landing zone if attraction
198 to the outfall flow can potentially occur.

199

1 **220-110-080 Channel change or realignment**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036 – General Requirements for all HPAs, and any of the provisions listed in WAC
4 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 (1) Channel changes/realignments are done for one of two reasons; A) to improve the fish
7 habitat by reconnecting historic channels or reconstructing historic channels or meanders in a
8 channelized waterbody or B) to facilitate development (move the channel to accommodate
9 infrastructure constraints). Channel changes or realignments to improve fish habitat are
10 encouraged. Channel changes or realignments to facilitate development are generally
11 discouraged, and the department may only approve these where the applicant can
12 demonstrate benefits or lack of adverse impact to fish life.

13 (2) Channel change or realignment projects shall incorporate mitigation measures as necessary
14 to achieve no-net-loss of productive capacity of fish and shellfish habitat. All channel change
15 projects require a comprehensive plan, including specific mitigation actions.

16 (3) Permanent new channels, at a minimum, shall be similar in length, width, depth, flood plain
17 configuration, and gradient, as a natural (reference) channel formed and maintained by channel
18 and habitat forming processes. The new channel shall incorporate fish habitat components,
19 bed materials, meander configuration, and native vegetation to provide productive capacity for
20 fish life present at the site. The new channel shall be a stable, sustainable channel in dynamic
21 balance with its sediment, large wood and flow regime.

22 (3) Before water is diverted into a permanent new channel, the permit holder shall ensure that:

23 (a) Approved fish habitat components, bed, and bank materials are in place.

24 (b) Approved fish habitat components are installed according to an approved design to
25 withstand an approved design flow appropriate for the conditions and design concept.

26 (4) After streambed material is installed the bed shall be washed with water to wash fine
27 materials into the voids and reduce permeability of the bed. The resulting streambed should
28 mimic natural streambed conditions in adjacent, undisturbed portions of the stream.
29 Wastewater from washing shall be captured and pumped to an upland area for treatment.

30 (5) The department may require delaying diversion of flow into the new channel until the
31 channel has stabilized and vegetation has become firmly established.

32 (6) If the old channel is to be filled, filling shall begin from the upstream closure. The clean, non-
33 toxic fill material shall be stabilized to prevent erosion or recapture of the old channel. The old
34 channel shall be planted according to a site-specific, approved revegetation plan.

35 (7) The angle of the structure used to divert the water into the new channel shall allow a
36 smooth transition of water flow.

37 (8) If fish may be adversely impacted by this project, the permittee will be required to capture
38 and safely move fish and shellfish to the nearest free-flowing water, as specified in WAC 220-
39 110-053.

40 (9) The channel owner or project sponsor shall monitor and maintain the channel to ensure
41 channel stability and passage of the juvenile and adult life stages of all fish species that occur in
42 the stream. If the channel becomes a hindrance to fish passage, the owner shall be responsible
43 for obtaining an HPA and providing prompt repair.

44 (10) Spoils from the new or modified channel shall be:

45 (a) Placed and stabilized outside the floodplain to prevent erosion or discharge of
46 sediment-laden water to the stream;

47 (b) used to fill the old channel; or

48 (c) used to create floodplains.

49

1 **220-110-105 (formerly -100 and -310) Conduits**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036—General Requirements for all HPAs, and any of the provisions listed in WAC
4 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 (1) Conduits that cross streams shall be aligned to cause the least disturbance to the bed and
7 banks.

8 (2) Buried conduits shall be installed at sufficient depth so that they do not become exposed
9 due to scour or channel incision, thus avoiding subsequent disturbance of the bed.

10 (3) Conduit installation projects shall minimize adverse impacts to fish life through the use of
11 the least impacting alternative type of installation practicable. In order of priority from least to
12 greatest impact, alternatives include but are not limited to:

13 (a) directional boring or drilling;

14 (b) jacking;

15 (c) plowing or trenching.

16 (4) If the conduit is installed using trenchless technology (boring, drilling or jacking),

17 (a) pits shall be isolated from surface water flow and restored to pre-project conditions;
18 and

19 (b) wastewater, from project activities and dewatering, shall be routed to an area
20 outside the ordinary high water line to allow removal of fine sediment and other
21 contaminants prior to being discharged to state waters.

22 (5) If the conduit is installed using trench excavation or plowing,

23 (a) the work, including approach trenches, shall be isolated from state waters;

24 (b) the bed and banks shall be restored to pre-project conditions;

25 (c) Plowing or trenching, conduit placement, and covering shall occur in a single pass of
26 the equipment;

27 (d) Disturbance of the bed shall be limited to the amount necessary to complete the
28 project;

29 (e) fish shall be prevented from entering open trenches; and

(f) Excess spoils shall be disposed of so as not to reenter state waters.

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1 **220-110-115 (formerly -130 and -320) Dredging**

2 The requirements of this section do not apply to suction dredging for mineral prospecting,
3 which is covered in WAC 220-110-202XXX, or to diver operated dredging for aquatic plant
4 control, which is covered in WAC 220-110-331XXX.

5 Conformance with other applicable provisions: all projects must meet the standards listed in
6 WAC 220-110-036—General Requirements for all HPAs, and any of the provisions listed in WAC
7 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
8 addition:

9 (1) General provisions applicable to both freshwater and saltwater areas.

10 (a) Dredging shall not be conducted in fish spawning areas unless it will result in
11 improved access to, or quality of, the spawning area.

12 (b) Dredged bed materials shall be disposed of upland, or at state or federally-managed
13 in-water disposal sites. The department may allow placement of dredged material in
14 areas for beneficial uses such as beach nourishment or capping of contaminated
15 sediments.

16 (c) Dredging shall be conducted with dredge types and methods that cause the least
17 adverse impact to fish habitat. A pre-project survey of the benthos is required to
18 determine dredging impacts to fish life.

19 (d) Agitation dredging is not allowed.

20 (e) A hydraulic dredge shall be operated with the intake at or below the surface of the
21 material being removed. The intake shall be raised a maximum of three feet above the
22 bed for brief periods of purging or flushing the intake system.

23 (f) If a dragline or clamshell is used, it shall be operated to minimize turbidity. During
24 excavation, each pass with the clamshell or dragline bucket shall be complete. Dredged
25 material shall not be stockpiled waterward of the ordinary high water line or floodplain.

26 (g) Dredges and any other equipment used to transport dredged materials to the
27 disposal or transfer site must completely contain the dredged material.

28 (h) Dredged materials shall not be stockpiled waterward of the ordinary high water line
29 or in the floodplain.

30 (i) Where continuous dredging and on loading of barges occurs, periodic movement of
31 the barge to reduce shading is required.

32 (j) Upon completion of the dredging, the bed shall not contain pits, potholes, or large
33 depressions that may trap fish.

34 (2) Provisions specific to dredging in freshwater areas.

35 (a) Chronic dredging is discouraged. The permittee shall work with the department to
36 find a long-term solution if dredging is required more than three times in ten years at a
37 given site.

38 (b) During the dredging of a lake or pond, a boom or similar device may be required to
39 contain floatable materials.

40 (c) In streams, dredging shall be accomplished by starting at the upstream end of the
41 project boundary and working downstream. Dredge spoils must be removed from the
42 site. The department may determine that spoils may remain on site if they are outside
43 OHW, cannot reenter the stream, and do not cause impacts to the stream or riparian
44 function.

45 (d) Dredged spoils shall not be used to construct berms or other structures that will
46 channel or confine stream flow.

47 (d) All dredging projects shall be designed with consideration of natural channel
48 functions and processes, both upstream and downstream of the project site.

49 (3) Provisions specific to dredging in saltwater areas.

50 (a) Dredging in saltwater channels shall be conducted to a depth not greater than the
51 channel depth at the seaward end of the dredged area. Dredging to depths greater than
52 the channel at the seaward end may be authorized only in berthing areas and turning
53 basins for commercial shipping purposes.

54 (b) Dredging or disposal of dredged material is prohibited in herring spawning beds and
55 in rockfish and lingcod settlement and nursery areas.

56 (c) Dredging or disposal of dredged material is prohibited in seagrass and kelp.

57 (d) Dredging intertidal habitat so that it becomes subtidal habitat is not permitted.

58 (e) An application for dredging in saltwater areas shall propose a site for upland or in-
59 water disposal of dredged materials. The least impacting site shall be used. The HPA will
60 specify the site to be used.

61

1 **220-110-120 (formerly Temporary bypass culvert, flume, or channel) Work**
2 **area isolation**

3 (1) The least impacting method of temporarily bypassing or excluding water from a work area
4 that is feasible at the site shall be used. In flowing waters, the department considers culverts,
5 flumes, or channels that redirect gravitational stream flow to be the least impacting methods.
6 The department considers pumped diversions more impacting than methods relying on gravity
7 flow.

8 (2) The temporary bypass or dewatering structure shall be in place prior to initiation of other
9 work in the wetted perimeter. There shall be no fill associated with temporary bypasses or
10 dewatering. Immediately upon project completion, and prior to the end of the approved work
11 window for the project, the temporary bypass or dewatering device shall be removed and the
12 site returned to preproject conditions.

13 (3) Temporary bypasses or channels shall be installed to pass all flows and debris for the
14 duration of the project.

15 (4) Fish in the isolated work area shall be safely relocated to the flowing stream pursuant to
16 WAC 220-110-053.

17 (5) Temporary bypass culverts or flumes

18 (a) Installation of the temporary bypass culvert or flume shall be accomplished as
19 follows:

20 (i) A sandbag revetment or similar device with a water tight seal shall be installed
21 at the temporary bypass culvert or flume inlet to divert the entire surface flow
22 through it.

23 (ii) The revetment shall be placed over an apron of impermeable plastic sheeting
24 that extends both up and downstream of the point of diversion to control
25 subsurface percolation of water into the work area.

26 (iii) A sandbag revetment, a berm of clean washed gravel, or similar device shall
27 be installed in the existing channel upstream of the temporary bypass culvert or
28 flume outlet to prevent backwater from entering the work area.

29 (b) Upon completion of the project, flow shall be returned to the existing dewatered
30 channel as follows:

31 (i) The sandbag revetment or similar device in the existing dewatered channel
32 located upstream of the temporary bypass culvert or flume outlet shall be
33 removed.

34 (ii) The sandbag revetment or similar device in the dewatered existing channel
35 located at the temporary bypass culvert or flume inlet shall be removed to divert
36 the entire flow back to the existing channel.

37 (6) Temporary bypass channels

38 (a) Temporary bypass channels shall be isolated from state waters during excavation of
39 the channel and during backfilling by leaving bank and bed material at the upstream and
40 downstream ends of the channel to serve as a plug. These materials shall prevent state
41 waters from entering the temporary bypass channel during project activities or
42 backfilling.

43 (b) Bypass channels shall be limited to the minimum distance necessary to complete the
44 project.

45 (c) Diversion of flow into the temporary bypass channel shall be accomplished as
46 follows:

47 (i) Remove the downstream plug.

48 (ii) Partially remove the upstream plug to allow one-third to one-half of the
49 flow down the temporary bypass channel for at least overnight. The existing
50 channel shall not be allowed to completely dewater.

51 (iii) Remove the rest of the upstream plug once the temporary bypass
52 channel has flow throughout its entire length.

53 (iv) Replug and securely armor first the upstream and then the downstream
54 ends of the existing channel with stockpiled material to prevent re-entry of flow
55 during project activities.

56 (d) Upon completion of work in the old dewatered channel, flow shall be returned to the
57 dewatered existing channel and blocked from the temporary bypass channel as follows:

58 (i) Remove the downstream plug of the dewatered existing channel.

59 (ii) Partially remove the upstream plug to allow one-third to one-half of the
60 flow down the dewatered channel for at least overnight. The temporary bypass
61 channel shall not be allowed to completely dewater.

62 (iii) Remove the rest of the upstream plug once the existing channel has flow
63 throughout its entire length.

64 (iv) Fill and securely armor the upstream and then the downstream ends of
65 the temporary bypass channel with stockpiled material to prevent permanent re-
66 entry of flow.

67 (e) Upon project completion, the temporary bypass channel shall be filled using the
68 material removed during excavation. Filling of the temporary bypass channel shall begin
69 from the upstream closure and proceed downstream, and the fill material shall be
70 compacted.

71 (7) Pumped diversions. Pumping the stream flow around the work area or from inside a coffer
72 dam.

73 (a) The permittee shall continuously monitor pumps during operation.

74 (b) The permittee shall have backup equipment stored onsite in case of pump
75 malfunction, and

76 (c) Pumps used for diverting water from a fish-bearing waters shall be equipped with a
77 fish guard to prevent passage of fish into the device pursuant to WAC 220-110-076.

78 (8) Cofferdams. Cofferdams shall be constructed of clean material such as sand bags, concrete
79 blocks, sheet piling, plastic sheeting or washed gravels and shall be sized to isolate the work
80 area from state waters. The coffer dam shall prevent discharge of sediment or harmful
81 materials from the coffered work area to state waters.

82 (a) Lines discharging to water bodies or wetland areas shall be equipped with a diffusing
83 device that shall prevent scouring or dislodging of fine sediments from the bank or bed.

84 (b) Any pumped water from excavated areas shall be filtered prior to discharging into
85 waters of the state.

1 **220-110-140 Gravel removal**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036—General Requirements for all HPAs, and any of the provisions listed in WAC
4 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 (1) Gravel removal from state waters may be permitted for flood control. Gravel removal for
7 other reasons is discouraged.

8 (a) Gravel removal from a watercourse shall be limited to removal from exposed bars
9 and shall not result in a lowering, over time, of the average channel cross-section profile
10 through the project area or upstream or downstream. Additional removal of bed
11 material, including removal from wetted portions of the channel, may be authorized
12 where the project is an integral part of a comprehensive flood control plan.

13 (b) Instream gravel extraction rates shall be no greater than the rate at which sediment
14 is replenished by natural bedload transport processes. These rates shall be based on
15 watershed and reach analysis, rather than at individual gravel bars. This analysis is
16 required as part of a complete application.

17 (c) An excavation line shall be established. Once the excavation line is established, the
18 department and the proponent will conduct a field review to determine the elevation
19 and location where gravel removal is allowed. The excavation zone shall be identified
20 by boundary markers placed by the applicant and approved by the department prior to
21 the commencement of gravel removal.

22 (d) Excavation shall begin at the excavation line and proceed toward the bank or the
23 center of the bar, perpendicular to the alignment of the watercourse.

24 (e) Bed material shall not be removed from the water side of the excavation line.

25 (f) Equipment shall not enter or operate within the wetted perimeter of the
26 watercourse.

27 (g) Gravel may be removed within the excavation zone from a point beginning at the
28 excavation line and progressing upward toward the bank or the center of the bar on a
29 minimum two percent gradient. The department may specify that it is necessary to
30 survey the excavation zone upon completion of the gravel removal operation, to ensure
31 the two percent gradient is maintained and that no depressions exist.

32 (h) Preproject and postproject channel cross-section surveys shall be required to
33 document the effect on channel functions and processes. The cross-sections shall be
34 referenced vertically to a permanent bench mark and horizontally to a permanent base

35 line, and shall be done perpendicular to the high flow channel every one hundred feet
36 through the project area and at cross-sections upstream and downstream at adjacent
37 channel riffles. The preproject survey information shall be submitted to the department
38 at the time of application for HPA, and the postproject survey shall be submitted to the
39 department within ninety days of completion of removal of gravel or the expiration date
40 of the HPA, whichever occurs first.

41 (i) At the end of each work day the excavation zone shall not contain pits, or potholes,
42 or depressions that may trap fish as a result of fluctuation in water levels.

43 (j) Stockpiling of material waterward of the ordinary high water line, after the initial bed
44 disturbance, shall be limited to avoid impacts to fish life. If stockpiling is approved
45 waterward of the ordinary high water line, the material shall be completely removed
46 prior to the onset of fish spawning in the vicinity or the typical onset of increasing
47 stream flows. Timing restrictions shall be determined on a site-specific basis. (l) The
48 upstream one-third of the gravel bar shall be left undisturbed to maintain watercourse
49 stability waterward of the ordinary high water line.

50 (k) Large woody material shall be retained waterward of the ordinary high water line
51 and repositioned within the watercourse. Other debris shall not reenter the
52 watercourse.

53 (l) Gravel washing or crushing operations shall not take place waterward of the ordinary
54 high water line.

55 (m) The permittee shall perform quantitative site assessments to measure and
56 document habitat changes and habitat use and preferences of fish life before and after
57 bar scalping activities, using both scalped and control sites. Monitoring results shall be
58 reported to the department annually.

59 (2) Gravel removal from floodplains is discouraged.

60 (a) Gravel pits and mines in flood plains shall be located so that the risk of avulsion is
61 minimized.

62 (b) Removed floodplain materials shall not enter state waters, unless approved by the
63 department for beneficial uses such as beach nourishment or capping of contaminated
64 sediments.

1 **220-110-150 Large woody material**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX General Requirements for all HPAs, and any of the provisions listed in
4 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 (1) The department may approve the repositioning of large woody material within state waters
7 where necessary to address safety considerations, or as needed to conduct a hydraulic project.
8 Repositioned large woody material shall be placed or anchored to provide stable, functional fish
9 habitat.

10 (2) Large woody material placement or repositioning shall be conducted by equipment
11 stationed on the bank, bridge, or other approved structure.

12 (3) Unless otherwise authorized, large woody material shall be suspended during its
13 repositioning so no portion of the large woody material or limbs can damage the bed or banks.
14 Yarding corridors or full suspension shall be required to avoid damage to riparian vegetation. It
15 may be necessary to cut the large woody material in place, to a size that allows suspension
16 during repositioning.

17 (4) Where large woody material cannot be suspended above the bed and banks, skid logs or
18 similar methods shall be used to avoid bank damage. Upon completion of the yarding
19 operation, skid logs shall be removed in a manner that avoids damage to banks and vegetation,
20 and the bank shall be restored to preproject condition.

21 (5) Large woody material embedded in a bank or bed shall be left undisturbed and intact except
22 where authorized for repositioning.

23 (6) Large woody material repositioning shall be accomplished in a manner which minimizes the
24 release of bedload, logs, or debris.

25 (7) Depressions created in gravel bars shall be filled, smoothed over, and sloped upwards
26 toward the bank on a minimum two percent gradient to prevent stranding of fish.

1 **220-110-155 Channel grade control structures**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036—General Requirements for all HPAs, and any of the provisions listed in WAC
4 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

- 6 (1) All channel grade control structures shall be designed, installed, and maintained by the
7 owner or sponsor to allow passage of juvenile and adult life stages of all fish species that occur
8 in the stream. Structures shall be monitored to ensure they do not become a barrier to fish
9 passage. If the structure becomes a barrier to fish passage, the owner shall be responsible for
10 obtaining an HPA and providing prompt repair.
- 11 (2) All channel grade control structures intended to temporarily stabilize and control gradient or
12 create specific limiting habitat types shall be low-maintenance, self-leveling structures to allow
13 the structure to adjust to natural fluctuations of the streambed profile. They shall also contain
14 redundant elements to allow adjustment with catastrophic failure of a portion of the structure.
- 15 (3) All channel grade control structures intended to temporarily provide fish passage associated
16 with human-made structures shall be durable and capable of withstanding the maximum design
17 flow of the associated human-made structure.
- 18 (4) Grade control structures shall be designed and constructed to prevent undermining from
19 scour or channel incision, water flowing around the structure, making an “end run” or
20 “flanking”, and water flowing subsurface through the structure rather than over it.
- 21 (5) Grade control structures shall be made of the appropriate material for the stream condition.
22 Structures in streams dominated by large wood should be comprised mainly of wood while
23 those in boulder-dominated streams should be composed of rock.
- 24 (6) Grade control structures shall be placed as close as possible to the origin or anticipated
25 origin of the headcut.

1 **220-110-160 (formerly Felling and yarding of timber) Forest practices**
2 **activities**

3 Conformance with other applicable provisions: all projects must meet the standards listed in
4 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
5 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
6 addition:

7 (1) The legislature expressed the intent in RCW [76.09.030](#) (2) for closer integration of the forest
8 practices and hydraulics permitting processes. Under chapter [76.09](#) RCW, the forest practices
9 board has adopted rules that include fish protection measures normally included in hydraulic
10 project approvals for projects in non-fish bearing waters. Based on the fish protection measures
11 contained in chapters [222-16](#), [222-24](#) and [222-30](#) WAC, and fish protection measures contained
12 in the forest practices board manual described in WAC [222-12-090](#), forest practices, as defined
13 in chapter [76.09](#) RCW, conducted under an approved forest practices application or notification
14 issued by the department of natural resources, and conducted in or across type Np or Ns
15 waters as defined in WAC [222-16-030](#) (Type 4 or Type 5 Waters, respectively, as defined in WAC
16 [222-16-031](#)), do not require an HPA.

17 (2) An HPA is required for:

18 (a) All conversions, whether involving fish and/or non-fish bearing streams (Class IV
19 General FPAs); and

20 (b) forest practices involving Type S and F waters. Water typing shall be determined
21 based on the specifications in WAC 222-16-030 and 031.

22 (3) The provisions in this section apply to all forest practices activities for which an HPA is
23 required.

24 (a) Woody material.

25 (i) Large woody material lying wholly or partially on the bed or bank of waters of
26 the state, naturally recruited or not, shall remain undisturbed. All other material
27 which enters waters of the state as a result of project activities shall be removed
28 by hand within seventy-two hours and placed outside the bankfull width of the
29 stream.

30 (ii) Riparian vegetation shall not be disturbed.

31 (b) Pollution and erosion control.

32 (i) Materials for containment and cleanup shall be available onsite during pre-
33 harvest, harvest and post-harvest phases of the project.

34 (ii) Hazardous materials such as fuels, lubricants, and solvents shall not be stored
35 or handled in the RMZ.

36 (c) Felling and bucking timber

37 (i) Trees shall be felled away from state waters. During felling and yarding, trees
38 or logs that inadvertently enter fish bearing waters shall remain where they
39 enter.

40 (ii) Felling, bucking, and placement of trees and logs within state waters is
41 permitted when associated with compensatory mitigation projects or stream
42 enhancement and restoration projects which have been approved by the
43 department.

44 (d) Yarding Timber

45 (i) Yarding across state waters shall be limited to cable or other aerial methods.

46 (ii) Trees or logs shall be yarded with suspension to minimize damage to the bed
47 or banks of state waters or to riparian leave trees.

48 (iii) Year-round work in fish bearing waters shall be restricted to placing cable
49 tailholds across the stream, yarding logs away from the stream, and removing
50 incidental limb debris from the stream.

51 (iv) If full suspension over the riparian buffer can be achieved, logs may be
52 yarded across any Type F or S stream year round. If full suspension is not
53 possible, the department may allow alternative yarding methods.

54 (v) Yarding cable corridors shall be placed to minimize stream crossings. The
55 number of yarding roads across the stream shall be kept to a minimum. When
56 moving equipment or changing tailholds, the cables shall be restrung around the
57 riparian leave trees prior to retightening.

58 (vi) Yarding shall be conducted through natural openings in the riparian area. If it
59 is not practicable to restrict yarding to natural openings or to achieve full
60 suspension over riparian leave trees, the department may require the applicant
61 to submit a plan that demonstrates that no unmitigated damage will occur. The
62 department will review the plan and either approve or modify it to properly
63 protect fish life. This plan shall specify the number of corridors and the number
64 of trees to be removed (marked in the field).

65 (vii) The number of corridors shall be limited to the minimum necessary to
66 conduct the yarding. Yarding corridors shall be no closer to each other than 150
67 feet (measured edge to edge) and shall not be wider than 30 feet. Yarding may

68 be allowed through corridors if the department agrees and provides for them in
69 the HPA.

70 (e) Skidding

71 (i) Stream channels shall not be used for skidding.

72 (ii) Fords shall not be used for skidding.

73 (f) Equipment Crossing

74 (i) Equipment shall cross state water on established water crossing structures
75 wherever possible.

76 (ii) If the applicant can demonstrate that is not feasible to restrict equipment
77 crossing to established bridges, culverts, or fords, the department may specify a
78 location for a temporary stream crossing. In these crossings, equipment shall
79 cross the riparian area and stream in a direct route perpendicular to the stream
80 channel.

81 (g) Roads

82 (i) Roads shall be designed and located to avoid or minimize stream crossings,
83 and to minimize potential sediment delivery to state waters.

84

1 **220-110-170 Outfall structures**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX—General requirements for the issuance of all HPAs, and any of the
4 provisions listed in WAC 220-110-037XXX through 220-110-339XXX that are applicable to the
5 specific project. In addition:

6 (1) The department may not condition HPAs for storm water discharges in locations covered by
7 a national pollution discharge elimination system municipal storm water general permit for
8 water quality or quantity impacts. The HPA is required only for the actual construction of any
9 storm water outfall or associated structures.

10 (2)(a) In locations not covered by a national pollution discharge elimination system municipal
11 storm water general permit, the department may issue HPAs that contain provisions that
12 protect fish life from adverse effects, such as scouring or erosion of the bed of the water body,
13 resulting from the direct hydraulic impacts of the discharge.

14 (b) Prior to the issuance of an HPA under this subsection, the department must:

15 (i) Make a finding that the discharge from the outfall will cause harmful effects
16 to fish life;

17 (ii) Transmit the findings to the applicant and to the city or county where the
18 project is being proposed; and

19 (iii) Allow the applicant an opportunity to use local ordinances or other
20 mechanisms to avoid the adverse effects resulting from the direct hydraulic
21 discharge. The forty-five day requirement for HPA issuance under RCW
22 77.55.021 is suspended during the time period the department is meeting the
23 requirements of this subsection.

24 (c) After following the procedures set forth in (b) of this subsection, the department
25 may issue an HPA that prescribes the discharge rates from an outfall structure that will
26 prevent adverse effects to the bed or flow of the waterway. The department may
27 recommend, but not specify, the measures required to meet these discharge rates. The
28 department may not require changes to the project design above the mean higher high
29 water mark of marine waters, or the ordinary high water mark of freshwaters of the
30 state.

31 (3) Outfall structure projects shall be located and constructed to minimize adverse impacts to
32 habitat and shoreline processes, and shall incorporate mitigation measures as necessary to
33 achieve no-net-loss of productive capacity of fish and shellfish habitat. The following technical
34 provisions shall apply to outfall structure projects:

35 (a) The outfall structure shall be constructed according to a design approved by WDFW
36 to prevent the entry of adult or juvenile fish. Refer to WAC 220-110-076XXX on fish
37 screens.

38 (b) The watercourse bank and bed at the point of discharge shall be protected using
39 bioengineering methods or other department-approved methods to prevent scouring.

40 (c) Outfalls shall be designed and located so that outflow or any associated energy
41 dissipaters do not cause loss of fish habitat. The department may require that energy be
42 dissipated using one or more of the following methods, or other effective method
43 proposed by the permittee:

44 (i) Existing natural habitat features (large logs, root wads, natural large rocks or
45 rock shelves, etc.), without degrading these features;

46 (ii) Pads of native plants (shrubs and grasses) and biodegradable fabric;

47 (iii) Imported fish habitat components (large woody material);

48 (iv) Manufactured in-line energy dissipaters, such as a Tee diffuser;

49 (v) Rounded rock energy dissipation pads;

50 (vi) Angular rock energy dissipation pads, if other options are impracticable.

51 (d) The outlet of submerged outfall piping protruding above grade in marine
52 environments shall extend past the nearshore zone. An outfall pipe or other structural
53 element that crosses a beach shall be buried an adequate depth to prevent interruption
54 of longshore sediment drift.

55

1 **220-110-171 Dikes and levees**

2 All projects must meet the standards listed in WAC 220-110-036XXX—General Requirements
3 for the issuance of all HPAs, and any of the provisions listed in WAC 220-110-037XXX through
4 220-110-339XXX that are applicable to the specific project. In addition:

- 5 (1) The department encourages the removal, setback and breaching of levees and dikes to
6 restore fish habitat.
- 7 (2) New dikes and levees shall be set back landward of the channel migration zone.
- 8 (3) The department may require that dikes and levees be sited an adequate distance from
9 existing flow control or habitat modification structures to protect fish habitat and preserve
10 natural processes, such as channel meandering, and features, such as pools and riffles. New
11 dikes and levees that limit meander migration or cause reach-scale aggradation or
12 degradation of stream channels shall not be approved.
- 13 (4) The base width of the dike and levee shall be the minimum necessary to ensure levee
14 stability.
- 15 (5) Levee and dike projects shall minimize adverse impacts to fish life by using the least
16 impacting design alternative practicable.
- 17 (6) Minimize clearing, grubbing and stripping of vegetation for foundation preparation.
- 18 (7) Tree removed during construction shall be used as floodplain roughness elements and
19 habitat features.
- 20 (8) The footprint of the old levee shall be decompacted (ripped) prior to vegetation
21 establishment.
- 22 (9) The waterward face of dikes and levees shall be planted with native riparian vegetation,
23 trees, and shrubs that provide habitat, shade, and detritus, as well as stability of the
24 structure. The vegetation shall be maintained to retain these benefits²³.
- 25 (10) Levee maintenance and modification
- 26 (a) A HPA is required for maintenance work on the waterward side of the dike and
27 levee. Maintenance work on the landward side of the levee does not require a HPA
28 provided it does not encounter waters of the state.
- 29 (b) A HPA is required to change the footprint or height of an existing dike and levee.

²³ Discussions about current US Army Corps of Engineers standards and practices for vegetation on dikes and levees will likely affect this provision.

DRAFT

1 **220-110-172 Dams and weirs**

2 All projects must meet the standards listed in WAC 220-110-036XXX-General Requirements for
3 the issuance of all HPAs, and any of the provisions listed in WAC 220-110-037XXX through 220-
4 110-339XXX that are applicable to the specific project. In addition:

- 5 (1) A siting, design, and construction plan for the dam or weir project shall be approved by
6 the department prior to construction of the project. Dams and weirs shall be built with
7 the minimum footprint necessary to achieve project objectives.
- 8 (2) Dams and weirs built to restrict water flow shall not restrict passage of adult or juvenile
9 fish. (Weirs used to facilitate or manage the passage of fish are covered in WAC 220-
10 110-075XXX on fishways.)
- 11 (3) Dams shall be equipped with a fishway or fish bypass structure that is effectively
12 constructed, operated, maintained, and repaired as needed to allow free passage of all
13 mobile life-stages of fish. . Refer to WAC 220-110-075XXX on fishways.
- 14 (4) Dams and weirs shall be designed to pass fine and coarse sediments during peak flow
15 events.
- 16 (5) Large woody material harvested from impounded water upstream of the dam or weir
17 shall be placed in the stream channel downstream.
- 18 (6) The permittee shall conduct a baseline survey of the streambed geometry to establish
19 pre-project conditions, and shall provide the department with an operational
20 demonstration annually in order to assess deficiencies in operation of the structure and
21 impact to upstream and downstream habitat. The department shall be notified of the
22 demonstration by the operator at least one month in advance. If deficiencies are
23 identified, the department may require changes to the structure, including associated
24 fishway, or to the operation of the structure.
- 25 (7) Associated spillways shall be designed to pass downstream migrant fish with at least a
26 ninety-five percent survival rate.
- 27 (8) Dam removal projects shall minimize negative impacts of stored sediments, exposed
28 reservoir bottoms, inundation of the surrounding areas.

1 **220-110-180 Pond construction**

2 Conformance with other applicable provisions: All projects must meet the standards listed in
3 WAC 220-110-036—General Requirements for all HPAs, and any of the provisions listed in WAC
4 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

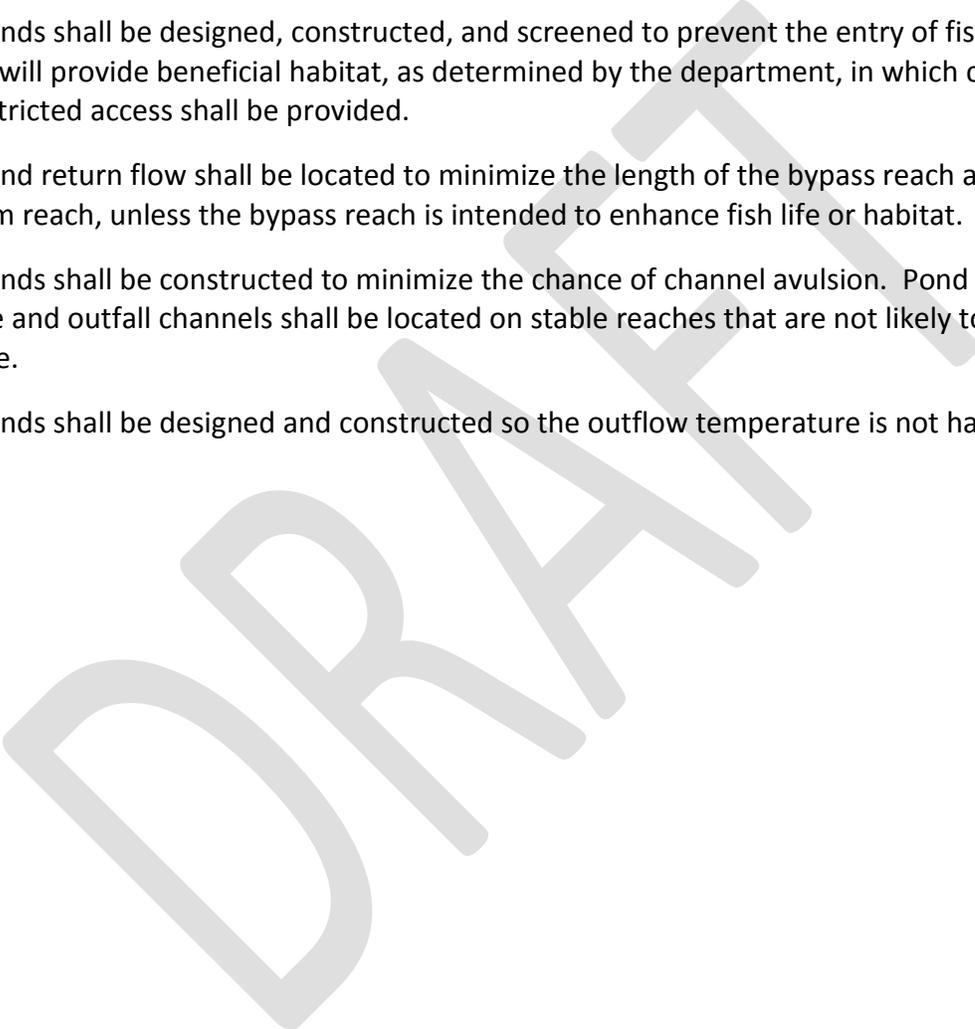
6 (1) Ponds shall not be constructed within the watercourse.

7 (2) Ponds shall be designed, constructed, and screened to prevent the entry of fish unless the
8 pond will provide beneficial habitat, as determined by the department, in which case free and
9 unrestricted access shall be provided.

10 (3) Pond return flow shall be located to minimize the length of the bypass reach and affected
11 stream reach, unless the bypass reach is intended to enhance fish life or habitat.

12 (4) Ponds shall be constructed to minimize the chance of channel avulsion. Pond diversion
13 intake and outfall channels shall be located on stable reaches that are not likely to change
14 course.

15 (5) Ponds shall be designed and constructed so the outflow temperature is not harmful to fish
16 life.



1 **220-110-190 Water diversions and intakes**

2 In this section, water diversions and intakes include structures that are used to divert or
3 remove waters of the state for purposes such as irrigation, municipal water, industrial uses, fish
4 hatcheries, and prevention of flooding

5 (1) A written HPA is not required for emergency water diversions during emergency fire
6 response. Any work conducted during fire fighting activities shall be required, however, to be
7 repaired to pre-project conditions under the direction of the department. The department shall
8 be notified prior to the emergency water diversion, when possible. When prior notification is
9 not possible, the department shall be notified within twenty-four hours of the diversion.

10 (2) The hydraulic code cannot be used to limit the amount or timing of water diverted under a
11 water right. However, construction of structures, maintenance activities, placement of devices,
12 or other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt
13 or fresh waters of the state requires an HPA. Regulation of water flow from a permanent
14 irrigation structure by operating or manipulating equipment such as valves, stop logs, check
15 boards, or head boards, does not require an HPA. Any hydraulic project activity related to a
16 change in the manner or location of water diversion will require an HPA modification.

17 (3) Persons who have gravel berm dams as the method of diversion permitted by the
18 department prior to January 1994 shall be allowed to continue consistent with the provisions of
19 the HPA²⁴. The department can, however, condition the approval of new gravel berms to
20 protect habitat and provide fish passage.

21 (4) Construction or maintenance of water diversion or intake structures, including fish
22 screens/guards or bypass structures, requiring use of equipment requires an HPA. Installation
23 of suction hoses or cleaning, adjusting, operating, and maintaining existing irrigation or stock
24 water diversion structures, including intakes, screens, or bypass structures, done without the
25 use of equipment, also requires an HPA.

26 (5) All projects must meet the standards listed in WAC 220-110-036XXX—General Requirements
27 for the issuance of all HPAs, and any of the provisions listed in WAC 220-110-037XXX through
28 220-110-339XXX that are applicable to the specific project. In addition:

29 (a) The diversion or intake structure shall not interfere with the productive capacity of fish
30 and shellfish habitat. The structure shall be designed and sited to allow natural
31 uninterrupted downstream transport of sediment, large woody material, and bed load
32 material in the main channel.

33 (b) Whenever work is performed within the diversion or intake structure, or that portion of
34 the canal above the fish screen, the headgate and the fish bypass structure shall be
35 closed to prevent sediment laden water from entering the natural watercourse. WDFW
36 shall be notified so that fish rescue can be conducted by individuals permitted to handle
37 the fish if needed.

- 38 (c) During water diversion “start up”, flows shall be ramped up in a manner to prevent
39 adverse affects (stranding or scour) to fish life in state waters, especially in side channels
40 and spawning or rearing areas.
- 41 (d) Gravel berm dams shall be constructed of gravels available on site waterward of the
42 ordinary high water line, or of clean round gravel transported to the site depending on
43 the gravel budget of the stream. Bed disturbance shall be limited to the minimum
44 necessary to achieve the provisions of the water right. No dirt from outside the ordinary
45 high water line shall be used to seal the dam and no logs or woody material waterward
46 of the ordinary high water line may be utilized for construction of the dam, unless
47 specifically authorized²⁵.
- 48 (e) The department may require the use of engineered rock weirs or roughened channels
49 instead of concrete in permanent water diversion structures.
- 50 (f) Logs and large woody material may be relocated waterward of the ordinary high water
51 line, if they block water flow into the ditch or inhibit construction.
- 52 (g) As long as the permittee can divert enough water to satisfy the water right, the water
53 diversion structure shall be constructed so that it does not hinder upstream and
54 downstream movement of fish at all life stages. If passage problems develop,
55 department personnel may, after consultation, require modification of the structure.
56 Exception may be provided if insufficient flows remain in the stream to pass fish life
57 upstream or downstream of the diversion.
- 58 (h) Wastewater, or excess water spilled from a diversion canal shall not be routed to a
59 natural stream or side channel in such volume to result in a fish passage barrier, or
60 result in lateral or vertical scour within a natural watercourse.
- 61 (i) If required, a backhoe or suction dredge may be used to remove accumulated silts and
62 gravel from the pumping sump. Material removed shall be placed so it will not reenter
63 state waters, unless exception is given by the department to allow placement of
64 dredged material in areas for beneficial uses such as beach nourishment or capping of
65 contaminated sediments.²⁶
- 66 (j) Any device used for diverting water from a fish bearing watercourse shall be equipped
67 with a fish screen or guard to prevent passage of adult or juvenile fish into the diversion
68 device. Refer to WAC 220-110-076XXX on fish screens.
- 69 (k) Gravity diversions with fish screens installed downstream of a headgate and pump
70 diversions withdrawing water from a lagoon shall include a fish bypass system unless
71 the department determines fish are not at risk of entrainment. Refer to WAC 220-110-
72 076XXX on fish bypass systems.
- 73 (l) Diversion intakes in lakes, reservoirs, or other open water shall be located offshore in
74 deep water to minimize the exposure of juvenile fish to the screen.

75 (m) Diversion canals shall be maintained (sediment and debris removed) to provide
76 maximum hydraulic gradient in the diversion canal in order to minimize the need for
77 work within the natural watercourse. Materials removed shall be placed so as not to
78 reenter state waters, unless exception is given by the department to allow placement of
79 dredged material in areas for beneficial uses such as beach nourishment or capping of
80 contaminated sediments.

81 (n) Any sediment other than large woody material collected during maintenance of existing
82 water diversion structures shall be passed or relocated downstream of the structure
83 within the ordinary high water line of state waters, except when such material is
84 collected or stockpiled under direction of the department for use in restoration
85 activities.

86 (o) If an infiltration gallery is used, it shall be properly sited, regularly inspected, and
87 maintained to ensure it is free of sediment and debris. Infiltration galleries shall not be
88 permitted if they interfere with natural stream processes.

89 (p) An operational protocol for shut down is required of all gravity diversions to prevent fish
90 from being trapped and dewatered between the head gate and bypass. Ramping criteria
91 must be included in the shutdown protocol to allow fish time to volitionally leave the
92 diversion prior to dewatering.

93 (6) Temporary Water Diversions. The following provisions apply to all temporary water
94 diversion structures which are used to seasonally divert water:

95 (a) The department shall be notified at least three working days prior to installation or
96 removal of a temporary diversion structure, or the filling of a diversion trench.

97 (b) The department shall be notified at least twenty-four hours prior to minor adjustments
98 of the temporary diversion structure required to accommodate changing stream flow.

99 (c) Temporary water diversions shall be constructed with clean materials that will not
100 negatively impact stream conditions, such as concrete blocks, straw bales, untreated
101 logs, large clean rock, or water bladder structures.

102 (d) Only clean, inert material such as tarps or plastic sheeting shall be used to seal a
103 temporary diversion structure. No soil or fine debris shall be used for sealing or
104 constructing a water diversion structure.

105 (e) All components of the temporary diversion structure shall be placed and removed using
106 full suspension unless otherwise authorized by the department.

107 (f) If flow into the water diversion structure is inhibited, logs and large woody material may
108 be repositioned away from the headgate and waterward of the ordinary high water line
109 under the direction of the department. Large woody material shall not be removed from
110 within the ordinary high water line of state waters.

- 111 (g) The temporary diversion structure shall be constructed to pass all expected flows
112 throughout its life.
- 113 (h) If the water diversion is temporarily shut down, it shall be done so that fish life is
114 prevented from being stranded within that portion of the canal between the headgate
115 or point of diversion and the fish guard or screen. WDFW shall be notified so that fish
116 rescue can be conducted by individuals permitted to handle the fish if needed.
- 117 (i) The temporary diversion structure, and all human-made materials used in its
118 construction, shall be removed within ten days after the end date of the stated seasonal
119 water right, or after all allocated water has been diverted, under terms outlined by the
120 department in the permit. If fish are observed spawning in the vicinity of the water
121 diversion structure, it shall not be removed prior to consultation by the department.
- 122 (j) At the end of the seasonal water diversion, all trenches shall be backfilled in the same
123 order as they were excavated unless otherwise approved by the department. A plug of
124 clean fill shall be placed at the upstream end of the excavation and flows shall be slowly
125 ramped down. All fish life shall be salvaged from the temporary diversion trench and
126 returned to the flowing stream prior to de-watering. The backfilled portions of all
127 trenches shall be graded back to the original grade and shall not contain pits, potholes,
128 or depressions that may trap fish as a result of fluctuation in water levels.
- 129 (k) The stream banks and riparian vegetation shall not be disturbed during the
130 construction, removal, or maintenance of a water diversion structure.
- 131 (7) Trenching and Gravel Excavation²⁷. In some instances, water diversion structures are not
132 needed to divert water. There may be bed load deposition between the legal point of diversion
133 and the flowing stream which prevents water from entering the diversion. Trenches through
134 gravel deposits, bars, and berms between the point of diversion, or head gate, and the wetted
135 perimeter of state waters shall be excavated in the following manner.
- 136 (a) The department shall be notified at least three working days prior to the excavation or
137 removal of gravel, or the filling of a temporary diversion trench.
- 138 (b) The trench shall only be excavated to the minimum width, length, and depth necessary
139 to meet a legal water right or claim. The trench shall be excavated in the most direct
140 route between state waters and the point of diversion, and at a continuous grade.
- 141 (c) The area to be excavated shall be identified by boundary markers placed by the
142 permittee between the surface water and the point of diversion, and approved by the
143 department prior to the commencement of trench excavation. Damage to perennial
144 riparian vegetation shall be avoided to the extent practicable.
- 145 (d) Trench excavation shall begin at the legal point of diversion at the upstream end of the
146 artificial diversion canal.

- 147 (e) Excavated bed material shall be temporarily placed adjacent to the excavated trench,
148 but sufficiently far from the trench to avoid it sloughing into the trench during the
149 diversion season.
- 150 (f) Any large woody material encountered within the trench line shall be retained
151 waterward of the ordinary high water line and repositioned within the natural
152 watercourse.
- 153 (8) Temporary water diversion structures²⁸. The following provisions shall apply to the
154 construction and removal of all temporary wing or check dams constructed of gravel associated
155 with a gravity diversion structures: gravel diversion structures:
- 156 (a) If a temporary water diversion structure constructed of gravel has been approved, only
157 clean, washed, rounded rock imported to the site, or natural riverbed material within
158 the ordinary high water mark of the stream from the top twelve inches of the bed, shall
159 be used in its construction.
- 160 (b) Gravel diversion structures shall not be constructed in a manner that results in scour or
161 erosion of the bed or banks of either side of a stream.
- 162 (c) Gravel diversion structures shall be constructed perpendicular to the stream flow to
163 minimize the length of the diversion structure.
- 164 (d) Unwashed material from an upland source or the adjacent shoreline shall not be used in
165 the construction of wing or check dams.
- 166 (e) If the structure becomes a barrier to fish passage, the department may, after
167 consultation, require modification of the structure.
- 168 (f) At the end of the temporary water diversion, gravel structures less than forty feet wide
169 shall be completely leveled to an even grade within the streambed within five days of
170 the end of the diversion, unless otherwise directed by the department. Typically, gravel
171 structures shall be deconstructed with at least two breaches, a minimum of fifteen feet
172 wide each. One breach must occur near the shoreline and the other must be located in
173 the center of the diversion structure. ²⁹However, depending on the size of the structure
174 and the magnitude of the runoff, one breach may be sufficient to deconstruct the berm.

²⁴ This is from the current rule and we need to discuss whether it is still appropriate.

²⁵ We will need to look at how this provision overlaps the gravel removal section WAC 220-110-140.

²⁶ Need to look at how this overlaps the gravel removal section.

²⁷ Need to look at how this overlaps the gravel removal section.

²⁸ Need to look at how this overlaps the gravel removal section.

²⁹ Is this the best approach?

1 **220-110-200 Mineral prospecting³⁰**

2 (1) WAC 220-110-201XXX through 220-110-206XXX set forth the rules necessary to
3 protect fish life that apply to mineral prospecting and placer mining projects. A copy of the
4 current *Gold and Fish* pamphlet is available from the department, and it contains the rules
5 which you must follow when mineral prospecting under its authority.

6 (2) Alternatively, you may request exceptions to the *Gold and Fish* pamphlet by applying
7 for an individual written HPA as indicated in WAC 220-110-031XXX. An HPA shall be denied
8 when, in the judgment of the department, the project will result in direct or indirect harm to
9 fish life, unless adequate mitigation can be assured by conditioning the HPA or modifying the
10 proposal. The department may apply saltwater provisions to written HPAs for tidally influenced
11 areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville
12 Dam where applicable.

13 (3) Nothing in Chapter 220-110 WAC relieves a person of the duty to obtain landowner
14 permission and any other necessary permits before conducting any mineral prospecting
15 activity.

16

³⁰ This section has not been altered from the rule as published in 2008.

1 **220-110-201 Mineral prospecting without timing restrictions³¹.**

2 You may mineral prospect year-round in all waters of the state, except lakes or salt
3 waters. You must follow the rules listed below, but you do not need to have the rules with you
4 or on the job site.

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

7 (a) Pans;

8 (b) Spiral wheels;

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

11 (2) You may not use vehicle-mounted winches. You may use one hand-operated winch
12 to move boulders, or large woody material that is not embedded. You may use additional
13 cables, chains, or ropes to stabilize boulders, or large woody material that is not embedded.

14 (3) You may work within the wetted perimeter only from one-half hour before official
15 sunrise to one-half hour after official sunset.

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

20 (5) Rules for excavating:

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

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

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

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

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

31 (f) You may not undermine, move, or disturb large woody material embedded in the
32 slopes or located wholly or partially within the wetted perimeter. You may move large woody
33 material and boulders located entirely within the frequent scour zone, but you must keep them
34 within the frequent scour zone. You may not cut large woody material. See Figure 2.

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

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

40 (6) Rules for processing aggregate:

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

43 (b) You may not stand on or process directly on redds or disturb incubating fish life. You
44 may not allow tailings, or visible sediment plumes (visibly muddy water), to enter redds or
45 areas where fish life are located within the bed.

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

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

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

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

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

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

63 (i) Under RCW 77.57.010 and 77.57.070, any device you use for pumping water from
64 fish-bearing waters must be equipped with a fish guard to prevent passage of fish into the

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

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

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

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

³¹ This section has not been altered from the rule as published in 2008, except that the figures have been omitted to make the file a little smaller.

1 **220-110-202 Mineral prospecting with timing restrictions³².**

2 You may mineral prospect only during the times and with the mineral prospecting
3 equipment limitations identified in WAC 220-110-206XXX. You must follow the rules listed
4 below, and you must have the rules with you or on the job site.

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

7 (a) Pans;

8 (b) Spiral wheels;

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

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

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

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

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

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

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

34 (5) Equipment separation:

35 (a) You may use hand-held mineral prospecting tools; pans; spiral wheels; or sluices,
36 mini rocker boxes, or mini high-bankers with riffle areas totaling three square feet or less,
37 including ganged equipment, as close to other mineral prospecting equipment as desired.

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

45 (c) When operating any sluice or rocker box with a riffle area exceeding three square
46 feet (including ganged equipment), suction dredge, power sluice/suction dredge combinations,
47 high-banker, or power sluice outside of the wetted perimeter that discharges tailings or
48 wastewater to the wetted perimeter you must be at least two hundred feet from all others also
49 operating this type of equipment. This separation is measured as a radius from the equipment
50 you are operating. You may locate this equipment closer than two hundred feet if only one
51 piece of equipment is operating within that two hundred foot radius. See Figure 2. (6)
52 Under RCW 77.57.010 and 77.57.070, any device you use for pumping water from fish-bearing
53 waters must be equipped with a fish guard to prevent passage of fish into the pump intake.
54 You must screen the pump intake with material that has openings no larger than five sixty-
55 fourths inch for square openings, measured side to side, or three thirty-seconds inch diameter
56 for round openings, and the screen must have at least one square inch of functional screen area
57 for every gallon per minute (gpm) of water drawn through it. For example, a one hundred gpm
58 rated pump would require at least a one hundred square inch screen.

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

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

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

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

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

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

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

84 (14) You must fill all excavation sites and level all tailing piles prior to working another
85 excavation site or abandoning the excavation site.

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

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

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

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

99 (a) At any location if you use pans; spiral wheels; mini rocker boxes; mini high-bankers;
100 or sluices or other concentrators with riffle areas totaling three square feet or less, including
101 ganged equipment.

102 (b) Only in the frequent scour zone or upland areas landward of the frequent scour zone
103 if you use power sluice/suction dredge combinations, high-bankers, or power sluices with riffle
104 areas totaling ten square feet or less, including ganged equipment; or sluices or rocker boxes
105 that have riffle areas totaling more than three, but less than ten square feet, including ganged

106 equipment. You may not discharge tailings to the wetted perimeter when using this
107 equipment. However, you may discharge wastewater to the wetted perimeter provided its
108 entry point into the wetted perimeter is at least two hundred feet from any other wastewater
109 discharge entry point.

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

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

116 (b) Only at an upland location landward of the frequent scour zone if you use power
117 sluice/suction dredge combinations; high-bankers; power sluices; or rocker boxes. You may not
118 allow tailings or wastewater to enter the wetted perimeter or frequent scour zone.

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

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

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

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

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

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

³² The figures in this section have been omitted to make the file a little smaller. They will be replaced in the final version of the rules. No other changes have been made to this section.

DRAFT

1 **220-110-206 Authorized work times and mineral prospecting equipment**
2 **restrictions by specific state waters for mineral prospecting and placer mining**
3 **projects³³**

4 Mineral prospecting and placer mining under WAC 220-110-202XXX shall only occur in
5 the state waters, with the equipment restrictions, and during the times specified in the
6 following table.

7 (1) The general work time for a county applies to all state waters within that county,
8 unless otherwise indicated in the table.

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

13 (3) Where a tributary is listed as a boundary, that boundary shall be the line
14 perpendicular to the receiving stream that is projected from the most upstream point of the
15 tributary mouth to the opposite bank of the receiving stream. See Figure 1 XXX.

16 (4) Mineral prospecting and placer mining within state waters listed as "submit
17 application" are not authorized under the *Gold and Fish* pamphlet. A written HPA is required
18 for these state waters.

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

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

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

Washington Counties and State Waters Water Resource Inventory Area (WRIA) in parentheses	Mineral Prospecting Is Allowed Only Between These Dates	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	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
Adams County	July 1 - October 31	X	-
Crab Creek (41.0002)	July 16 - February 28	X	X
Esquatzel Creek (36.MISC)	June 1 - February 28	X	X
Palouse River (34.0003)	July 16 - February 28	X	X
Asotin County	July 16 - September 15	X	-
Snake River (35.0002)	See below	-	-
Alpowa Creek (35.1440)	July 16 - December 15	X	-
Asotin Creek (35.1716)	July 16 - August 15	X	-
Couse Creek (35.2147)	July 16 - December 15	X	-
Grande Ronde River (35.2192)	July 16 - September 15	X	X

Tenmile Creek (35.2100)	July 16 - December 15	X	-
Benton County	June 1 - September 30	X	-
Columbia River	See below	-	-
Glade Creek (31.0851)	August 1 - September 30	X	-
Yakima River (37.0002)	June 1 - September 15	X	X
Amon Creek (37.0009)	June 1 - September 30	X	-
Corral Creek (37.0002)	June 1 - September 30	X	-
Spring Creek (37.0205)	June 1 - September 30	X	-
Chelan County	July 16 - August 15	X	-
Columbia River	See below	-	-
Antoine Creek (49.0294) - Mouth to falls at river mile 1.0	July 1 - February 28	X	-
Antoine Creek (49.0294) - Upstream of falls at river mile 1.0	July 1 - March 31	X	-
Chelan River (47.0052) - Mouth to Chelan Dam	July 16 - September 30	X	X
Colockum Creek (40.0760)	July 1 - October 31	X	-

Entiat River (46.0042) - Mouth to Entiat Falls	July 16 - July 31	X	X
Entiat River (46.0042) - Upstream of Entiat Falls	July 16 - March 31	X	-
Crum Canyon (46.0107)	July 16 - March 31	X	-
Mad River (46.0125)	July 16 - July 31	X	-
Indian Creek (46.0128)	July 16 - February 28	X	-
Lake Chelan (47.0052)	Submit Application	-	-
Railroad Creek (47.0410)	July 16 - September 30	X	-
Stehekin River (47.0508)	Submit Application	-	-
Twenty-five Mile Creek (47.0195)	July 16 - September 30	X	-
Other Lake Chelan tributaries outside of North Cascades National Park	July 1 - August 15	X	-
Other Lake Chelan tributaries within North Cascades National Park	Submit Application	-	-
Number 1 Canyon (45.0011)	July 1 - February 28	X	-
Number 2 Canyon (45.0012)	July 1 - February 28	X	-
Squilchuck Creek (40.0836) - Mouth to South	July 1 - September 30	X	-

Wenatchee Avenue			
Squilchuck Creek (40.0836) - Upstream of South Wenatchee Avenue	July 1 - February 28	X	-
Stemilt Creek (40.0808) - Mouth to falls	July 1 - September 30	X	-
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	X	-
Wenatchee River (45.0030) - Mouth to Lake Wenatchee	July 1 - July 31	X	X
Beaver Creek (45.0751)	July 1 - September 30	X	-
Chiwaukum Creek (45.0700)	July 1 - July 31	X	-
Chiwawa River (45.0759) - Mouth to Phelps Creek	July 1 - July 31	X	X
Chiwawa River (45.0759) - Upstream of Phelps Creek	July 1 - July 31	X	-
Deep Creek (45.0764)	July 1 - February 28	X	-
Phelps Creek (45.0875)	July 16 - August 15	X	-
Icicle Creek (45.0474) - Mouth to Johnny Creek	July 1 - July 31	X	X
Icicle Creek (45.0474) - Upstream of Johnny Creek	July 1 - July 31	X	-
Fourth of July Creek (45.0525)	July 1 - February 28	X	-

Lake Wenatchee (45.0030)	Submit Application	-	-
Little Wenatchee (45.0985) - Mouth to Wilderness Boundary	July 1 - July 31	X	X
Little Wenatchee (45.0985) - Upstream of Wilderness Boundary	Submit Application	-	-
White River (45.1116) - Mouth to White River Falls	July 1 - July 31	X	X
White River (45.1116) - Upstream of White River Falls	July 1 - February 28	X	-
Nason Creek (45.0888)	July 1 - July 31	X	-
Peshastin Creek (45.0232) - Mouth to Negro Creek	July 16 - August 15	X	-
Peshastin Creek (45.0232) - Upstream of Negro Creek	August 1 - February 28	X	-
Ingalls Creek (45.0273) - Mouth to Cascade Creek	Submit Application	-	-
Ingalls Creek (45.0273) - Upstream of Cascade Creek	July 16 - February 28	X	-
Negro Creek (45.0323) - Mouth to falls at stream mile 2.9	Submit Application	-	-
Negro Creek (45.0323) - Upstream of falls at stream mile 2.9	July 16 - February 28	X	-
Ruby Creek (45.0318)	July 16 -	X	-

	February 28		
Tronson Creek (45.0346)	August 1 - February 28	X	-
Scotty Creek (45.0376)	August 1 - February 28	X	-
Shaser Creek (45.0365)	August 1 - February 28	X	-
Clallam County	July 16 - September 15	X	-
Clallam River (19.0129)	August 1 - August 15	X	-
Dungeness River (18.0018)	Submit Application	-	-
Independent Creek (18.MISC)	August 1 - August 31	X	-
Elwha River (18.0272)	August 1 - August 15	X	X
Hoko River (19.0148)	August 1 - September 15	X	-
Jimmycomelately Creek (17.0285)	August 1 - August 31	X	-
Lake Ozette (20.0046)	Submit Application	-	-
Little Quilcene River (17.0076)	July 16 - August 31	X	-
Lake Ozette tributaries	July 16 - September 15	X	-

Lyre River (19.0031)	August 1 - September 15	X	-
McDonald Creek (18.0160)	August 1 - September 15	X	-
Morse Creek (18.0185)	August 1 - August 15	X	-
Ozette River (20.0046)	July 16 - September 15	X	-
Pysht River (19.0113)	August 1 - September 15	X	-
Quillayute River (20.0096, 20.0162, 20.0175)	August 1 - August 15	X	X
Bogachiel River (20.0162)	Submit Application	-	-
Calawah River (20.0175)	August 1 - August 15	X	X
Salmon Creek (17.0245)	July 16 - August 31	X	-
Sekiu River (19.0203)	August 1 - September 15	X	-
Snow Creek (17.0219)	July 16 - August 31	X	-
Sol Duc River (20.0096)	Submit Application	-	-
Lake Pleasant (20.0313)	Submit Application	-	-
Lake Pleasant tributaries	July 16 - September 15	X	-

Sooes River (20.0015)	July 16 - September 15	X	-
Clark County	July 16 - September 30	-	-
Columbia River	See below	-	-
Lacamas Creek (28.0160) - Mouth to dam	August 1 - August 31	X	-
Lacamas Creek (28.0160) - Upstream of dam	August 1 - September 30	X	-
Lewis River (27.0168)	August 1 - August 15	X	X
East Fork Lewis River (27.0173) - Mouth to Lucia Falls	August 1 - August 15	X	X
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	X	X
East Fork Lewis River (27.0173) - Upstream of Sunset Falls	August 1 - February 28	X	-
Lake River (28.0020)	January 1 - December 31	X	X
Burnt Bridge Creek (28.0143)	August 1 - August 31	X	-
Salmon Creek (28.0059)	August 1 - August 31	X	-
Whipple Creek (28.0038)	August 1 - September 30	X	-
North Fork Lewis River	August 1 -	X	X

(27.0334) - Confluence of East Fork to Merwin Dam	August 15		
Cedar Creek (27.0339)	August 1 - September 15	X	-
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Canyon Creek (27.0442)	July 16 - February 28	X	-
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - August 15	X	X
Washougal River (28.0159) - Mouth to headwaters	August 1 - August 31	X	X
Columbia County	July 16 - September 30	X	-
Touchet River (32.0097)	August 1 - August 15	X	X
Grande Ronde River tributaries (35.2192)	July 16 - August 15	X	-
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	-	-
South Fork Touchet (32.0708)	Submit Application	-	-
Tucannon River (35.0009)	July 16 - August 15	X	X
Walla Walla River (32.0008) - Mouth to Oregon State line	July 16 - September 15	X	X

Mill Creek (32.1436) - Mouth to Oregon State line	August 1 - August 15	X	-
Cowlitz County	July 16 - September 30	X	-
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Mouth to Fisk Falls	August 1 - August 31	X	X
Chehalis River (22.0190/23.0190) - South Fork Chehalis River - Upstream of Fisk Falls	August 1 - August 31	X	-
Columbia River	See below	-	-
Abernathy Creek (25.0297)	July 16 - September 15	X	-
Burke Creek (27.0148)	August 1 - August 31	X	-
Burris Creek (27.0151)	August 1 - August 31	X	-
Bybee Creek (27.0142)	August 1 - August 31	X	-
Canyon Creek (27.0147)	August 1 - August 31	X	-
Coal Creek (25.0340)	July 16 - September 15	X	-
Clark Creek (25.0371)	August 1 - August 31	X	-
Cowlitz River (26.0002) - Mouth to barrier dam at	July 16 - August 15	X	X

river mile 49.5			
Coweeman River (26.0003) - Mouth to Baird Creek	August 1 - August 31	X	X
Coweeman River (26.0003) - Upstream of Baird Creek	August 1 - August 31	X	-
Cowlitz River (26.0002) - Tributaries below barrier dam to mouth	July 16 - September 30	X	-
Owl Creek (26.1441)	July 16 - September 15	X	-
Toutle River (26.0227)	July 16 - August 15	X	X
North Fork Toutle River (26.0314) - Mouth to Debris Dam	July 16 - August 15	X	X
North Fork Toutle River (26.0314) - Upstream of Debris Dam	July 16 - August 15	X	-
Green River (26.0323) - Mouth to Shultz Creek	July 16 - September 30	X	X
Green River (26.0323) - Upstream of Shultz Creek	July 16 - September 30	X	-
South Fork Toutle (26.0248) - Mouth to Bear Creek	July 16 - September 15	X	X
South Fork Toutle (26.0248) - Upstream of Bear Creek	July 16 - September 15	X	-
Tributaries to Silver Lake	July 16 - September 30	X	-

Germany Creek (25.0313)	July 16 - September 15	X	-
Kalama River (27.0002) - Mouth to Kalama Falls	August 1 - August 15	X	X
Kalama River (27.0002) - Upstream of Kalama Falls	August 1 - August 15	X	-
Lewis River (27.0168) - Mouth to East Fork Lewis River	August 1 - August 15	X	X
North Fork Lewis River (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	X	X
North Fork Lewis River (27.0334) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Mill Creek (25.0284)	July 16 - September 15	X	-
Schoolhouse Creek (27.0139)	August 1 - August 31	X	-
Douglas County	July 1 - September 30	X	-
Columbia River	See below	-	-
Douglas Creek Canyon (44.0146)	May 16 - January 31	X	-
Foster Creek (50.0065)	August 1 - April 15	X	-
McCarteney Creek (44.0002)	July 1 - February 28	X	-
Pine/Corbaley Canyon	September 16 -	X	-

Creek (44.0779)	April 15		
Rock Island Creek (44.0630)	July 1 - September 30	X	-
Ferry County	July 1 - August 31	X	-
Columbia River	See below	-	-
Kettle River (60.0002)	June 16 - August 31	X	X
Boulder Creek (60.0130) - Mouth to Hodgson Road Bridge	Submit Application	-	-
Boulder Creek (60.0130) - Upstream of Hodgson Road Bridge	June 16 - February 28	X	-
Deadman Creek (60.0008) - Mouth to SR395 Crossing	Submit Application	-	-
Deadman Creek (60.0008) - Upstream of SR395	June 16 - February 28	X	-
Goosmus Creek (60.0254)	June 16 - February 28	X	-
Toroda Creek (60.0410)	July 1 - September 30	X	-
San Poil River (52.0004)	June 16 - September 30	X	X
Granite Creek (52.0099) - Mouth to Powerhouse Dam	June 16 - September 30	X	-
Granite Creek (52.0099) - Upstream of Powerhouse	June 16 - February 28	X	-

Dam			
West Fork San Poil River (52.0192) - Mouth to Deep Creek	June 16 - September 30	X	X
West Fork San Poil River (52.0192) - Upstream of Deep Creek	June 16 - September 30	X	-
Gold Creek (52.0197)	June 16 - February 28	X	-
Franklin County	June 1 - September 30	X	-
Columbia River	See below	-	-
Snake River	See below	-	-
Palouse River (34.0003)	July 16 - February 28	X	X
North bank tributaries of the lower Snake River between Palouse River and the mouth of the Snake River	June 16 - October 31	X	-
Garfield County	July 16 - September 30	X	-
Snake River (35.0003)	See below	-	-
Alpowa Creek (35.1440)	July 16 - December 15	X	-
Asotin Creek (35.1716)	July 16 - August 15	X	-
Deadman Creek (35.0688)	July 16 -	X	-

	December 15		
Grande Ronde River tributaries (35.2192)	July 16 - August 15	X	-
Meadow Creek (35.0689)	July 16 - December 15	X	-
Tucannon River (35.0009) - Mouth to Panjab Creek	July 16 - August 15	X	X
Tucannon River (35.0009) - Upstream of Panjab Creek	July 16 - August 15	X	-
Pataha Creek (35.0123) - Mouth to Pataha Creek	January 1 - December 31	X	-
Pataha Creek (35.0123) - Upstream of Pataha Creek	July 16 - December 31	X	-
Grant County	July 1 - October 31	X	-
Columbia River	See below	-	-
Crab Creek (41.0002)	July 16 - September 15	X	X
Grays Harbor County	July 16 - October 15	X	-
Chehalis River (22.0190/23.0190) - Mouth to Porter Creek	August 1 - August 31	X	X
Chehalis River (22.0190/23.0190) - Porter Creek to Fisk Falls	August 1 - August 15	X	X
Chehalis River (22.0190/23.0190) - Upstream of Fisk Falls	August 1 - August 15	X	-

Cedar Creek (23.0570)	August 1 - September 30	X	-
Cloquallum Creek (22.0501)	August 1 - September 30	X	-
Porter Creek (23.0543)	August 1 - September 30	X	-
Satsop River (22.0360)	August 1 - August 31	X	X
Wishkah River (22.0191)	August 1 - October 15	X	X
Wynoochee River (22.0260)	August 1 - September 30	X	X
Copalis River (21.0767)	August 1 - October 15	X	X
Elk River (22.1333)	July 1 - October 31	X	X
Hoquiam River (22.0137)	August 1 - October 15	X	X
Humptulips River (22.0004) - Mouth to Forks	August 1 - September 30	X	X
Humptulips River (22.0004) - Upstream of Forks	August 1 - September 30	X	-
Johns River (22.1270)	August 1 - September 30	X	X
Moclips River (21.0731)	August 1 - October 15	X	X
North River (24.0034)	August 1 - September 30	X	X

Queets River (21.0001)	August 1 - August 15	X	X
Quinault River (21.0398)	August 1 - August 15	X	X
Raft River (21.0337)	August 1 - October 15	X	X
Island County	June 16 - October 15	X	-
Cavalero Creek (06.0065)	June 16 - December 15	X	-
Chapman Creek (06.0070)	June 16 - December 15	X	-
Crescent Creek (06.0002)	June 16 - December 15	X	-
Cultus Creek (06.0026)	June 16 - March 15	X	-
Deer Creek (06.0024)	June 16 - March 15	X	-
Dugualla Creek (06.0001)	June 16 - March 15	X	-
Glendale Creek (06.0025)	June 16 - December 15	X	-
Kristoferson Creek (06.0062-06.0063)	May 1 - December 15	X	-
Maxwelton Creek (06.0029)	June 16 - December 15	X	-
North Bluff Creek (06.0006)	June 16 - March 15	X	-

Old Clinton Creek (06.0023)	June 16 - March 15	X	-
Jefferson County	July 16 - October 31	X	-
Big Quilcene River (17.0012) - Mouth to Falls	July 16 - August 31	X	X
Big Quilcene River (17.0012) - Falls to Forks	August 1 - February 28	X	X
Big Quilcene River (17.0012) - Upstream of Forks	August 1 - February 28	X	-
Bogachiel River (20.0162)	Submit Application	-	-
Chimacum Creek (17.0203)	July 16 - September 15	X	-
Donovan Creek (17.0115)	July 1 - October 15	X	-
Dosewallips River (16.0442)	July 16 - August 15	X	-
Duckabush River (16.0351)	July 16 - August 15	X	-
Dungeness River (18.0018)	August 1 - August 15	X	-
Elwha River (18.0272)	August 1 - August 15	X	X
Goodman Creek (20.0406)	August 1 - September 15	X	-
Hoh River (20.0422)	August 1 - August 15	X	X

Little Quilcene River (17.0076)	July 16 - August 31	X	-
Queets River (21.0001)	August 1 - August 15	X	X
Matheny Creek (21.0165)	August 1 - August 15	X	-
Sams River (21.0205)	August 1 - August 15	X	X
Quinault River (21.0398)	August 1 - August 15	X	X
Salmon Creek (17.0245)	July 16 - August 31	X	-
Skokomish River (16.0001)	August 1 - August 31	X	X
Snow Creek (17.0219)	July 16 - August 31	X	-
Tarboo Creek (17.0129)	August 1 - September 30	X	-
Thorndyke Creek (17.0170)	August 1 - October 15	X	-
King County	July 16 - September 30	X	-
Cedar River (08.0299) - Mouth to Forks	August 1 - August 31	X	X
Cedar River (08.0299) - Upstream of Forks	August 1 - August 31	X	-
Issaquah Creek (08.0178)	August 1 - August 31	X	-

Sammamish River (08.0057)	August 1 - August 31	X	-
Steele Creek (08.0379)	July 16 - February 28	X	-
Green River (Duwamish River) (09.0001) - Mouth to Sawmill Creek	August 1 - August 31	X	X
Green River (Duwamish River) (09.0001) - Upstream of Sawmill Creek	August 1 - August 31	X	-
Lake Washington tributaries (08.LKWA)	August 1 - August 31	X	-
Snoqualmie River (07.0219) - Mouth to Snoqualmie Falls	August 1 - August 15	X	X
Snoqualmie River (07.0219) - Snoqualmie Falls to mouth of South Fork	July 16 - February 28	X	X
Patterson Creek (07.0376)	July 16 - September 30	X	-
Middle Fork Snoqualmie River (07.0219) - Mouth to Taylor Creek	July 16 - February 28	X	X
Middle Fork Snoqualmie River (07.0219) - Upstream of Taylor Creek	July 16 - February 28	X	-
Goat Creek (07.0754)	July 16 - February 28	X	-
North Fork Snoqualmie River (07.0527) - Mouth to	July 16 - February 28	X	X

Lennox Creek			
North Fork Snoqualmie River (07.0527) - Upstream of Lennox Creek	July 16 - February 28	X	-
Deep Creek (07.0562)	July 16 - February 28	X	-
Illinois Creek (07.0624)	July 16 - February 28	X	-
Lennox Creek (07.0596)	July 16 - February 28	X	-
Bear Creek (07.0606)	July 16 - February 28	X	-
Raging River (07.0384)	August 1 - September 15	X	X
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	X	X
South Fork Skykomish River (07.0012) - Upstream of Sunset Falls	August 1 - August 15	X	-
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	X	X
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	X	-
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	X	X
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	X	-

Index Creek (07.1264) - Mouth to Mud Lake Creek	August 1 - August 31	X	-
Index Creek (07.1264) - Upstream of Mud Lake Creek including Salmon Creek	July 16 - February 28	X	-
Miller River (07.1329) - Mouth to Forks	August 1 - August 15	X	X
Miller River (07.1329) - Upstream of Forks	August 1 - August 15	X	-
Coney Creek (07.1347)	July 16 - February 28	X	-
East Fork Miller River (07.1329) - Mouth to Great Falls Creek	July 16 - August 15	X	-
East Fork Miller River (07.1329) - Upstream of Great Falls Creek	July 16 - February 28	X	-
Foss River (07.1562) - Mouth to Forks	July 16 - August 31	X	X
East Fork Foss River (07.1562) - Mouth to Burn Creek	July 16 - August 15	X	X
East Fork Foss River (07.1562) - Upstream of Burn Creek	July 16 - February 28	X	-
West Fork Foss River (07.1573) - Mouth to falls at River Mile 2.0	July 16 - August 31	X	-
West Fork Foss River (07.1573) - Upstream of	July 16 - February 28	X	-

falls at River Mile 2.0			
West Fork Miller River (07.1335)	July 16 - February 28	X	X
Money Creek (07.1300) - Mouth to 0.5 mile upstream of Kimball Creek	August 1 - August 31	X	-
Money Creek (07.1300) - Upstream of 0.5 mile upstream of Kimball Creek	August 1 - February 28	X	-
Kimball Creek (07.1301)	August 1 - August 31	X	-
Tye River (07.0012) - Mouth to Alpine Falls	August 1 - August 31	X	X
Tye River (07.0012) - Upstream of Alpine Falls	July 16 - February 28	X	-
South Fork Snoqualmie River (07.0467)	July 16 - February 28	X	X
Denny Creek (07.0517)	July 16 - February 28	X	-
Tolt River (07.0291) - Mouth to forks	August 1 - August 31	X	X
North Fork Tolt River (07.0291) - Mouth to Yellow Creek	July 16 - September 15	X	X
North Fork Tolt River (07.0291) - Upstream of Yellow Creek	July 16 - February 28	X	-
South Fork Tolt River (07.0302) - Mouth to dam	July 16 - September 15	X	X

South Fork Tolt River (07.0302) - Upstream of Tolt Reservoir	July 16 - February 28	X	-
Yellow Creek (07.0337)	July 16 - February 28	X	-
White River (10.0031)	July 16 - August 15	X	X
Greenwater River (10.0122)	July 16 - August 15	X	X
Kittitas County	July 1 - September 30	X	-
Brushy Creek (40.0612)	July 1 - February 28	X	-
Colockum Creek (40.0760)	July 1 - October 31	X	-
Quilomene Creek (40.0613)	July 1 - October 31	X	-
Stemilt Creek (40.0808) - Upstream of falls	July 1 - February 28	X	-
Tarpiscan Creek (40.0723)	July 1 - February 28	X	-
Tekiason Creek (40.0686)	July 1 - February 28	X	-
Whisky Dick Creek (40.0591)	July 1 - February 28	X	-
Yakima River (39.0002) - Roza Dam to Teanaway River	August 1 - August 31	X	X
Naches River (38.0003) -	July 1 - August	X	X

Tieton River to Bumping River	15		
Little Naches River (38.0852) - Mouth to Matthew Creek	July 16 - August 15	X	X
Little Naches River (38.0852) - Upstream of Matthew Creek	July 16 - August 15	X	-
Pileup Creek (38.0932)	July 16 - August 31	X	-
Gold Creek (38.MISC)	July 16 - February 28	X	-
Swauk Creek (39.1157)	July 16 - September 30	X	-
Baker Creek (39.1157)	July 16 - September 30	X	-
First Creek (39.1157)	July 16 - September 30	X	-
Iron Creek (39.1157)	July 16 - September 30	X	-
Williams Creek (39.1157)	July 16 - September 30	X	-
Boulder Creek (39.1157)	July 16 - February 28	X	-
Cougar Gulch (39.1157)	July 16 - February 28	X	-
Lion Gulch (39.1157)	July 16 - February 28	X	-
Yakima River (39.0002) -	August 1 -	X	X

Teanaway River to Easton Dam	August 31		
Yakima River (39.0002) - Upstream of Easton Dam	August 1 - August 31	X	X
Cle Elum River (39.1434) - Mouth to Dam	July 16 - August 31	X	X
Cle Elum River (39.1434) - Upstream of Cle Elum Dam	Submit Application	-	-
Big Boulder Creek (39.1434MISC)	August 1 - February 28	X	-
Camp Creek (39.1434MISC)	August 1 - February 28	X	-
Fortune Creek (39.1434MISC)	August 1 - August 15	X	-
South Fork Fortune Creek (39.1434MISC)	August 1 - February 28	X	-
Howson Creek (39.1434)	July 16 - February 28	X	-
Little Salmon Le Sac Creek (39.1482)	August 1 - August 15	X	-
Paris Creek (39.1434MISC)	August 1 - February 28	X	-
Salmon Le Sac Creek (39.1520)	August 1 - February 28	X	-
Kachess River (39.1739) - Upstream of Lake Kachess	Submit Application	-	-
Kachess River (39.1739) - Below Dam	July 16 - August 15	X	X

Box Canyon Creek (39.1765)	Submit Application	-	-
Mineral Creek (39.1792)	August 1 - August 15	X	-
Lake Keechelus (39.1842) tributaries	July 16 - August 15	X	-
Gold Creek (Lake Keechelus) (39.1842)	Submit Application	-	-
Manastash Creek (39.0988)	July 16 - September 30	X	-
Naneum Creek (39.0821)	July 16 - September 30	X	-
Taneum Creek (39.1081) - Mouth to I-90	July 16 - August 31	X	-
Taneum Creek (39.1157) - Upstream of I-90	July 16 - September 30	X	-
Teanaway River (39.1236)	July 16 - August 31	X	X
NF Teanaway River (39.1260)	Submit Application	-	-
Umtanum Creek (39.0553)	July 16 - September 30	X	-
Wenas Creek, Below Dam (39.0032)	July 16 - October 15	X	-
Wenas Creek, Upstream of Wenas Lake (39.0032)	July 16 - February 28	X	-
Other Yakima River tributaries not listed	July 16 - August 31	X	-

Kitsap County	July 16 - October 15	X	-
Anderson Creek (15.0211)	August 1 - November 15	X	-
Barker Creek (15.0255)	August 1 - September 30	X	-
Big Beef Creek (15.0389)	August 1 - August 15	X	-
Big Scandia Creek (15.0280)	August 1 - September 30	X	-
Blackjack Creek (15.0203)	August 1 - September 30	X	-
Burley Creek (15.0056)	August 1 - September 30	X	-
Chico Creek (15.0229)	August 1 - October 15	X	-
Clear Creek (15.0249)	August 1 - September 30	X	-
Curley Creek (15.0185)	August 1 - September 30	X	-
Dewatto River (15.0420)	August 1 - August 15	X	-
Dogfish Creek (15.0285)	August 1 - September 30	X	-
Gorst Creek (15.0216)	August 1 - August 31	X	-
Grovers Creek (15.0299)	August 1 - September 30	X	-

Johnson Creek (15.0387)	August 1 - October 31	X	-
Ollala Creek (15.0107)	August 1 - September 30	X	-
Ross Creek (15.0209)	August 1 - November 15	X	-
Salmonberry Creek (15.0188)	August 1 - November 30	X	-
Seabeck Creek (15.0400)	August 1 - August 15	X	-
Steele Creek (15.0273)	August 1 - September 30	X	-
Tahuya River (15.0446)	August 1 - August 31	X	X
Union River (15.0503)	August 1 - August 31	X	X
Klickitat County	July 15 - September 30	X	-
Alder Creek (31.0459)	August 1 - September 30	X	-
Chapman Creek (31.0192)	August 1 - September 30	X	-
Glade Creek (31.0851)	August 1 - September 30	X	-
Juniper Canyon Creek (31.0378)	August 1 - September 30	X	-
Klickitat River (30.0002) - Mouth to Klickitat hatchery	Submit Application	-	-

Klickitat River (30.0002) - Upstream of Klickitat hatchery	Submit Application	-	-
Little White Salmon River (29.0131) - Mouth to Cabbage Creek	July 16 - January 31	X	X
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	X	-
Pine Creek (31.0354)	August 1 - September 30	X	-
Rock Creek (31.0014)	August 1 - September 30	X	-
Six Prong Creek (31.0465)	August 1 - September 30	X	-
White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	X	X
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	X	-
Wood Gulch Creek (31.0263)	August 1 - September 30	X	-
Lewis County	August 1 - September 30	X	-
Chehalis River (22.0190/23.0190) - Mouth to South Fork Chehalis River	August 1 - August 15	X	X
Chehalis River (22.0190/23.0190) - Upstream of South Fork	August 1 - August 31	X	X

Chehalis River			
Newaukum River (23.0882) - Mouth to South Fork	August 1 - August 31	X	X
Newaukum River (23.0882) - Upstream of South Fork	August 1 - August 31	X	-
Skookumchuck River (23.0761)	August 1 - August 31	X	X
Cowlitz River (26.0002)	August 1 - August 15	X	X
Cispus River (26.0668) - Mouth to Squaw Creek (26.1010)	August 1 - August 15	X	X
Cispus River (26.0668) - Squaw Creek to Chambers Creek	July 16 - February 28	X	X
Cispus River (26.0668) - Upstream of Chambers Creek	July 16 - February 28	X	-
Yellowjacket Creek (26.0757)	August 1 - August 15	X	-
McCoy Creek (26.0766) - Mouth to lower falls	August 1 - August 15	X	-
McCoy Creek (26.0766) - Upstream of lower falls	July 16 - February 28	X	-
Walupt Creek (26.1010)	Submit Application	-	-
Packwood Lake Tributaries	August 16 - September 15	X	-
Tilton River (26.0560) -	August 1 -	X	X

Mouth to North Fork	September 30		
Tilton River (26.0560) - Upstream of North Fork	August 1 - September 30	X	-
Toutle River (26.0227)	August 1 - August 31	X	X
North Fork Toutle River (26.0314)	July 16 - August 15	X	X
Green River (26.0323)	July 16 - September 30	X	X
Deschutes River (13.0028)	July 16 - August 31	X	X
Little Deschutes River (13.0110)	July 16 - February 28	X	-
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	X	X
Lincoln County	June 16 - February 28	X	-
Columbia River	See below	-	-
Hawk Creek (53.0101) - Mouth to falls	June 16 - August 31	X	-
Hawk Creek (53.0101) - Upstream of falls	June 16 - February 28	X	-
Upper Crab Creek (42.0001)	June 16 - February 28	X	-
Wilson Creek (43.0020)	June 16 - February 28	X	-
Mason County	August 1 -	X	-

	October 15		
Cloquallum Creek (22.0501)	August 1 - September 30	X	-
Coulter Creek (15.0002)	August 1 - August 31	X	-
Dewatto River (15.0420)	August 1 - August 31	X	-
Goldsborough Creek (14.0035)	August 1 - October 15	X	-
John Creek (16.0253)	August 1 - August 31	X	-
Hamma Hamma River (16.0251) - Mouth to falls	August 1 - August 31	X	-
Johns Creek (14.0049)	August 1 - August 15	X	-
Lilliwaup River (16.0230) - Mouth to falls	August 1 - August 31	X	X
Lilliwaup River (16.0230) - Upstream of falls	August 1 - February 28	X	-
Mill Creek (14.0029)	August 1 - August 15	X	-
Satsop River (22.0360)	August 1 - August 31	X	-
Schaerer Creek (16.0326)	August 1 - August 31	X	-
Sherwood Creek (14.0094)	August 1 - August 15	X	-

Skokomish River (16.0001) - Mouth to Forks	August 1 - August 31	X	X
Skokomish River (16.0001) - Upstream of Forks	August 1 - August 31	X	-
Tahuya River (15.0446)	August 1 - August 31	X	-
Twanoh Creek (14.0134)	August 1 - October 31	X	-
Union River (15.0503)	August 1 - August 31	X	X
Okanogan County	July 1 - August 15	X	-
Aneas Creek (49.0243) - Mouth to falls	July 16 - August 31	X	-
Aneas Creek (49.0243) - Upstream of falls	July 1 - March 31	X	-
Chewiliken Creek (49.0232) - Mouth to falls	July 16 - August 31	X	-
Chewiliken Creek (49.0232) - Upstream of falls	July 1 - March 31	X	-
Chiliwist Creek (49.0034) - Mouth to falls	July 16 - August 31	X	-
Chiliwist Creek (49.0034) - Upstream of falls	July 1 - March 31	X	-
Foster Creek (50.0065)	July 1 - February 28	X	-
Methow River (48.0007) - Columbia confluence to Twisp River	July 1 - July 31	X	X

Methow River tributaries between Black Canyon Creek and Gold Creek	July 1 - February 28	X	-
Black Canyon Creek (48.0015) - Mouth to Left Fork	Submit Application	-	-
Black Canyon Creek (48.0015) - Upstream of Left Fork	July 1 - February 28	X	-
Gold Creek (48.0104) - Mouth to Foggy Dew Creek	Submit Application	-	-
Foggy Dew Creek (48.0153) - Mouth to Foggy Dew Falls	Submit Application	-	-
Foggy Dew Creek (48.0153) - Upstream of Foggy Dew Falls	July 1 - February 28	X	-
Middle Fork Gold Creek (48.0139)	July 1 - February 28	X	-
North Fork Gold Creek (48.0104)	Submit Application	-	-
Crater Creek (48.0177) - Mouth to Martin Creek	Submit Application	-	-
Crater Creek (48.0177) - Upstream of Martin Creek	July 1 - February 28	X	-
Martin Creek (48.0177)	July 1 - February 28	X	-
South Fork Gold Creek (48.0105) - Mouth to Rainy Creek	Submit Application	-	-

South Fork Gold Creek (48.0105) - Upstream of Rainy Creek	July 1 - February 28	X	-
Rainy Creek (48.0105)	July 1 - February 28	X	-
McFarland Creek (48.0090) - Mouth to Vinegar Gulch	Submit Application	-	-
McFarland Creek (48.0090) - Upstream of Vinegar Gulch	July 1 - February 28	X	-
Methow River tributaries between Libby Creek and Beaver Creek	July 1 - February 28	X	-
Beaver Creek (48.0307)	Submit Application	-	-
Frazer Creek (48.0309)	July 1 - February 28	X	-
Lightning Creek (48.0361)	July 1 - February 28	X	-
Middle Fork Beaver Creek (48.0307)	July 1 - February 28	X	-
South Fork Beaver Creek (48.0342)	July 1 - February 28	X	-
Libby Creek (48.0203) - Mouth to Hornet Draw Creek	Submit Application	-	-
Libby Creek (48.0203) - Upstream of Hornet Draw	July 1 - February 28	X	-
Methow River (48.0007) - Twisp River to Goat Creek	July 1 - July 31	X	X

Methow River (48.0007) - Upstream of Goat Creek	July 1 - July 31	X	-
Chewuch River (48.0728) - Mouth to Meadow Creek	July 1 - July 31	X	X
Chewuch River (48.0728) - Upstream of Meadow Creek	July 1 - February 28	X	-
Early Winters Creek (48.1408) - Mouth to Silver Star Creek	Submit Application	-	-
Early Winters Creek (48.1408) - Upstream of Silver Star Creek	July 1 - February 28	X	-
Goat Creek (48.1364) - Mouth to 500' upstream of Montana Creek	Submit Application	-	-
Goat Creek (48.1364) - 500' Upstream of Montana Creek to Roundup Creek	July 1 - February 28	X	-
Goat Creek (48.1364) - Upstream of Roundup Creek	Submit Application	-	-
Lost River (48.0592)	July 16 - August 15	X	X
Twisp River (48.0374)	July 1 - July 31	X	X
Buttermilk Creek (48.0466)	Submit Application	-	-
North Creek (48.0674)	Submit Application	-	-
North Fork Twisp River	July 1 -	X	-

(48.0691)	February 28		
South Creek (48.0641) - Upstream of Louis Creek	July 1 - February 28	X	-
South Creek (48.0641) - Mouth to Louis Creek	Submit Application	-	-
South Fork Twisp River (48.0698)	July 1 - February 28	X	-
Wolf Creek (48.1300)	Submit Application	-	-
Myers Creek (60.0517)	July 1 - February 28	X	-
Bolster Creek (60.0517)	July 1 - February 28	X	-
Ethel Creek (60.0517)	July 1 - February 28	X	-
Gold Creek (60.0517)	July 1 - February 28	X	-
Mary Ann Creek (60.0517)	July 1 - February 28	X	-
North Fork Mary Ann Creek (60.0517)	July 1 - February 28	X	-
Okanogan River (49.0019) - Mouth to Zosel Dam	July 1 - August 31	X	X
Antoine Creek (49.0294) - Mouth to velocity gradient at river mile 1.0	July 1 - February 28	X	-
Antoine Creek (49.0294) - Upstream of falls	July 1 - March 31	X	-

Bonaparte Creek (49.0246) - Upstream of falls	July 1 - March 31	X	-
Bonaparte Creek (49.0246) - Mouth to Bonaparte Falls at river mile 1.0	July 1 - February 28	X	-
Loup Loup Creek (49.0048) - Mouth to Loup Loup Falls at river mile 2.4	July 1 - February 28	X	-
Loup Loup Creek (49.0048) - Upstream of Loup Loup Falls at river mile 2.4	July 1 - March 31	X	-
Mosquito Creek (49.0321) - Mouth to falls	July 1 - August 31	X	-
Mosquito Creek (49.0321) - Upstream of falls	July 1 - March 31	X	-
Nine Mile Creek (49.0516)	July 1 - February 28	X	-
Omak Creek (49.0138) - Mouth to Mission Falls at river mile 5.4	July 1 - February 28	X	-
Omak Creek (49.0138) - Upstream of falls	July 1 - March 31	X	-
Salmon Creek (49.0079) - Mouth to diversion	July 1 - August 31	X	-
Salmon Creek (49.0079) - Upstream of diversion	July 1 - February 28	X	-
Similkameen River (49.0325) - Mouth to Enloe Dam	July 1 - August 31	X	X
Similkameen River (49.0325) - Upstream of	July 1 - October	X	X

Enloe Dam	31		
Sinlahekin Creek (49.0349) - Mouth to barrier dam at Connors Lake	July 1 - August 31	X	-
Cecile Creek (49.0447)	July 1 - February 28	X	-
Chopaka Creek (49.0357)	July 1 - February 28	X	-
Toats Coulee Creek (49.0368)	July 1 - February 28	X	-
Cougar Creek (49.0368)	July 1 - February 28	X	-
Siwash Creek (49.0284) - Falls to headwaters	July 1 - March 31	X	-
Siwash Creek (49.0284) - Mouth to falls at river mile 1.4	July 1 - February 28	X	-
Tonasket Creek (49.0501) - Mouth to Tonasket Falls at river mile 1.8	July 1 - February 28	X	-
Tonasket Creek (49.0501) - Upstream of Tonasket Falls at river mile 1.8	July 1 - March 31	X	-
Tunk Creek (49.0211) - Mouth to falls	July 1 - February 28	X	-
Tunk Creek (49.0211) - Upstream of falls	July 1 - March 31	X	-
San Poil River (52.0004)	June 16 - September 30	X	X

West Fork San Poil (52.0192)	June 16 - September 30	X	X
Gold Creek (52.0197)	June 16 - February 28	X	-
Toroda Creek (60.0410)	July 1 - September 30	X	-
Pacific County	August 1 - September 30	X	-
Bear River (24.0689)	August 1 - September 30	X	X
Bone River (24.0405)	August 1 - September 30	X	-
Chehalis River (22.0190/23.0190)	August 1 - August 15	X	X
Columbia River	See below	-	-
Chinook River (24.MISC)	August 1 - September 30	X	X
Grays River (25.0093)	July 16 - September 15	X	X
Naselle River (24.0543)	August 1 - September 15	X	X
Nemah River (24.0460)	August 1 - September 30	X	X
Niawiakum River (24.0417)	August 1 - September 30	X	-
North River (24.0034)	August 1 - September 30	X	X

Palix River (24.0426)	August 1 - September 30	X	-
Willapa River (24.0251)	August 1 - September 30	X	X
Pend Oreille County	July 1 - August 31	X	-
Little Spokane River (55.0003)	August 1 - March 15	X	-
West Branch Little Spokane River (55.0439)	August 1 - March 15	X	-
Harvey Creek (62.0310) - Mouth to Rocky Fork of Harvey Creek	August 1 - August 31	X	-
Harvey Creek (62.0310) - Upstream of Rocky Fork of Harvey Creek	July 16 - February 28	X	-
Pend Oreille River (62.0002)	Submit Application	-	-
Big Muddy Creek (62.0279)	August 1 - March 15	X	-
Bracket Creek (62.0815)	August 1 - March 15	X	-
Calispel Creek (62.0628)	August 1 - August 31	X	-
Exposure Creek (62.0261)	August 1 - August 31	X	-
Kent Creek (62.0819)	August 1 - March 15	X	-
Le Clerc Creek (62.0415)	August 1 -	X	-

	August 31		
Lime Creek (62.0014)	August 1 - March 15	X	-
Lodge Creek (62.0859)	August 1 - August 31	X	-
Lost Creek (62.0322)	August 1 - March 15	X	-
Marshall Creek (62.0842)	August 1 - March 15	X	-
Pee Wee Creek (62.0007) - Mouth to falls	August 1 - August 31	X	-
Pee Wee Creek (62.0007) - Upstream of falls	August 1 - March 15	X	-
Renshaw Creek (62.0310)	August 1 - March 15	X	-
Sullivan (O'Sullivan) Creek (62.0074)	August 1 - August 31	X	-
North Fork Sullivan Creek (62.0075)	August 1 - August 31	X	-
Tributaries of Deep Creek in Pend Oreille County (61.0195)	July 16 - August 15	X	-
Currant Creek (61.0249)	July 16 - August 15	X	-
Meadow Creek (61.0351)	July 16 - August 15	X	-
Rocky Creek (61.0364)	July 16 - August 15	X	-

Silver Creek (61.0195)	July 16 - August 15	X	-
Smackout Creek (61.0226)	July 16 - August 15	X	-
Pierce County	July 16 - August 31	X	-
Chambers/Clover Creek Watershed (12.MISC)	July 16 - September 30	X	-
Flett Creek (12.0009)	July 16 - October 31	X	-
Leach Creek (12.0008)	July 16 - September 30	X	-
Nisqually River (11.0008) - Mouth to Alder Lake	July 16 - August 31	X	X
Nisqually River (11.0008) - Upstream of Alder Lake	July 16 - September 30	X	X
Mashel River (11.0101) - Mouth to Busy Wild Creek	July 16 - September 30	X	X
Mashel River (11.0101) - Upstream of Busy Wild Creek	July 16 - September 30	X	-
Puyallup River (10.0021) - Mouth to PSE Electron Powerhouse Outfall	July 16 - August 31	X	X
Puyallup River (10.0021) - Upstream of PSE Electron Powerhouse Outfall	July 16 - August 15	X	X
Carbon River (10.0413)	July 16 - August 15	X	X

Cayada Creek (10.0525) - Mouth to falls about 800 feet upstream	July 16 - August 31	X	-
Cayada Creek (10.0525) - Upstream of the falls	January 1 - December 31	X	-
South Prairie Creek (10.0429)	July 16 - August 15	X	-
Voight Creek (10.0414) - Mouth to falls at River Mile 4.0	July 16 - August 31	X	-
Voight Creek (10.0414) - Upstream of falls River Mile 4.0	July 16 - February 28	X	-
White River (10.0031)	July 16 - August 15	X	X
Clearwater River (10.0080)	July 16 - August 15	X	X
Greenwater River (10.0122)	July 16 - August 15	X	X
Huckleberry Creek (10.0253)	July 16 - August 15	X	-
West Fork White River (10.0186)	July 16 - August 15	X	X
Sequalitchew Creek (12.0019)	July 16 - September 30	X	-
San Juan County	July 1 - August 31	X	-
Cascade Creek (02.0057), Orcas Island - Upstream of lower falls	July 1 - February 28	X	-

Cascade Creek (02.0057), Orcas Island, Buck Bay to falls located approximately 300 feet above mouth	July 1 - October 31	X	-
Doe Creek (02.MISC), San Juan Island, Westcott Bay to falls (approximately 250 feet from mouth)	June 16 - October 15	X	-
False Bay Creek (02.MISC) - San Juan Island; Mouth to lake	July 1 - October 31	X	-
Glenwood Springs, Orcas Island; direct tributary to Eastsound Bay	July 1 - October 15	X	-
Moran Creek (02.MISC) - Orcas Island; from Cascade Lake delta upstream 1/4 mile	July 1 - October 15	X	-
Unnamed Creek (02.0041) - San Juan Island; Mouth to lake	July 1 - October 15	X	-
Skagit County	August 1 - September 15	X	-
Granite Creek (04.2313) - Upstream of East Creek	July 16 - February 28	X	-
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	X	X
North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	X	-
North Fork Stillaguamish River (05.0135) - Upstream	July 16 -	X	-

of Cascade Creek	February 28		
Samish River (03.0005)	August 1 - September 15	X	-
Skagit River (03.0176/04.0176)	Submit Application	-	-
Baker River (04.0435) - Mouth to Baker Dam	Submit Application	-	-
Cascade River (04.1411)	Submit Application	-	-
Day Creek (03.1435)	July 16 - February 28	X	-
Lookout Creek (04.1447)	July 16 - February 28	X	-
Sibley Creek (04.1481)	July 16 - February 28	X	-
Day Creek (03.0299) - Mouth to Rocky Creek	Submit Application	-	-
Day Creek (03.0299) - Upstream of Rocky Creek	August 1 - February 28	X	-
Finney Creek (04.0392) - Mouth to Big Fir Creek	Submit Application	-	-
Finney Creek (04.0392) - Upstream of Big Fir Creek	July 16 - February 28	X	-
Illabot Creek (04.1346)	Submit Application	-	-
Sauk River (04.0673) - Mouth to Forks	Submit Application	-	-

Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	X	-
Suiattle River (04.0710)	August 1 - August 15	X	X
Wiseman Creek (03.0280) - Mouth to SR20	Submit Application	-	-
Wiseman Creek (03.0280) - Upstream of SR20	July 16 - February 28	X	-
South Fork Nooksack River (01.0246) - Mouth to falls at River Mile 30	August 1 - August 15	X	X
South Fork Nooksack River (01.0246) - Falls at River Mile 30 to Wanlick Creek	July 16 - August 15	X	X
South Fork Nooksack River (01.0246) - Upstream of Wanlick Creek	July 16 - August 15	X	-
Skamania County	July 15 - September 15	X	-
Columbia River	See below	-	-
Cispus River (26.0668)	August 1 - August 15	X	X
Cispus River (26.0668) tributaries located in Skamania County	August 1 - October 31	X	-
East Fork Lewis River (27.0173) - Lucia Falls to Sunset Falls	August 1 - February 28	X	X
East Fork Lewis River (27.0173) - Upstream of	August 1 - February 28	X	-

Sunset Falls			
Green River (26.0323) (Tributary of North Fork Toutle River)	July 16 - September 30	X	X
Hamilton Creek (28.0303)	August 1 - August 31	X	-
Hardy Creek (28.0303)	August 1 - August 31	X	-
Little White Salmon River (29.0131) - Mouth to Hatchery	July 16 - August 15	X	X
Little White Salmon River (29.0131) - Hatchery to Cabbage Creek	July 16 - January 31	X	X
Little White Salmon River (29.0131) - Upstream of Cabbage Creek	July 16 - January 31	X	-
North Fork Lewis River (27.0168) - Merwin Dam to Lower Falls	July 16 - August 15	X	X
Canyon Creek (27.0442)	July 16 - February 28	X	-
North Fork Lewis River (27.0168) - Upstream of Lower Falls	July 16 - February 28	X	X
Washougal River (28.0159) - Mouth to Stebbins Creek	August 1 - August 31	X	X
Washougal River (28.0159) - Upstream of Stebbins Creek	August 1 - August 31	X	-

White Salmon River (29.0160) - Mouth to Cascade Creek	July 16 - August 15	X	X
White Salmon River (29.0160) - Upstream of Cascade Creek	July 16 - August 15	X	-
Wind River (29.0023)	August 1 - August 15	X	X
Woodward Creek (28.0298)	August 1 - August 31	X	-
Snohomish County	July 16 - September 15	X	-
Lake Washington tributaries	August 1 - August 15	X	-
Sauk River (04.0673) - Mouth to Forks	August 1 - August 15	X	X
Sauk River (04.0673) - Upstream of Forks	August 1 - August 15	X	-
Suiattle River (04.0710)	August 1 - August 15	X	X
Snohomish River (07.0012) - Mouth to Highway 9	August 1 - October 31	X	X
Snohomish River (07.0012) - Upstream of Highway 9	August 1 - August 15	X	X
Pilchuck River (07.0125) - Mouth to City of Snohomish diversion dam	August 1 - August 31	X	X
Pilchuck River (07.0125) - City of Snohomish diversion dam to Boulder	August 1 - September 15	X	X

Creek			
Pilchuck River (07.0125) - Upstream of Boulder Creek	August 1 - September 15	X	-
Skykomish River (07.0012) - Mouth to forks	August 1 - August 15	X	X
Deer Creek (05.0173) - Mouth to stream mile 0.5	August 1 - August 31	X	-
Deer Creek (05.0173) - Upstream of stream mile 0.5	August 1 - February 28	X	-
North Fork Skykomish River (07.0982) - Mouth to Bear Creek Falls	August 1 - August 31	X	X
North Fork Skykomish River (07.0982) - Bear Creek Falls to Deer Falls	August 1 - August 31	X	X
North Fork Skykomish River (07.0982) - Deer Falls to West Cady Creek	August 1 - February 28	X	X
North Fork Skykomish River (07.0982) - Upstream of West Cady Creek	August 1 - February 28	X	-
Howard Creek (07.1042)	July 16 - February 28	X	-
Silver Creek (07.1053) - Mouth to Lake Gulch	August 1 - August 31	X	-
Silver Creek (07.1053) - Upstream of Lake Gulch	August 1 - February 28	X	-
Troublesome Creek	August 1 -	X	-

(07.1085)	February 28		
West Fork Troublesome Creek (07.1092)	August 1 - August 31	X	-
South Fork Skykomish River (07.0012) - Mouth to Sunset Falls	August 1 - August 15	X	X
Beckler River (07.1413) - Mouth to Boulder Creek	August 1 - August 15	X	X
Beckler River (07.1413) - Upstream of Boulder Creek	July 16 - February 28	X	-
Rapid River (07.1461) - Mouth to Meadow Creek	August 1 - August 31	X	X
Rapid River (07.1461) - Upstream of Meadow Creek	August 1 - February 28	X	X
Sultan River (07.0881) - Mouth to Diversion Dam at river mile 9.4	August 1 - August 15	X	X
Sultan River (07.0881) - Diversion Dam to Elk Creek	July 16 - February 28	X	X
Sultan River (07.0881) - Upstream of Elk Creek	July 16 - February 28	X	-
Wallace River (07.0940) - Mouth to Wallace Falls	August 1 - August 31	X	X
Wallace River (07.0940) - Upstream of Wallace Falls	August 1 - February 28	X	-
Olney Creek (07.0946) - Mouth to Olney Falls	August 1 - August 31	X	-

Olney Creek (07.0946) - Upstream of Olney Falls	August 1 - February 28	X	-
Snoqualmie River Mouth to Falls (07.0219)	August 1 - August 15	X	X
All other Snohomish River tributaries	August 1 - August 31	X	-
Stillaguamish River (05.0001) - Mouth to forks	August 1 - August 31	X	X
North Fork Stillaguamish River (05.0135) - Mouth to Squire Creek	August 1 - August 15	X	X
North Fork Stillaguamish River (05.0135) - Squire Creek to Cascade Creek	August 1 - August 15	X	-
North Fork Stillaguamish River (05.0135) - Upstream of Cascade Creek	July 16 - February 28	X	-
South Fork Stillaguamish River (05.0001) - Mouth to Deer Creek	August 1 - August 15	X	X
South Fork Stillaguamish River (05.0001) - Upstream of Deer Creek	August 1 - August 15	X	-
Spokane County	June 16 - August 31	X	-
Latah Creek (56.0003)	June 16 - August 31	X	-
Little Spokane River (55.0600) - Mouth to Deer Creek	June 16 - August 31	X	X

Little Spokane River (55.0600) - Upstream of Deer Creek	June 16 - August 31	X	-
Spokane River (57.0001)	June 16 - August 31	X	X
Stevens County	July 16 - August 31	X	-
Columbia River	See below	-	-
Big Sheep Creek (61.0150)	July 16 - August 15	X	-
Colville River (59.0002) - Mouth to the Falls	July 16 - September 30	X	X
Colville River (59.0002) - Upstream of the Falls	July 16 - September 30	X	X
Deep Creek (61.0195)	July 16 - August 15	X	-
Onion Creek (61.0098)	July 16 - August 15	X	-
Sheep Creek (59.0861)	July 16 - September 30	X	-
Lake Roosevelt tributaries from the mouth of the Spokane River to mouth of the Colville River	July 16 - February 28	X	-
Lake Roosevelt tributaries from the mouth of the Colville River north to the B.C. Border	July 16 - February 28	X	-
Tributaries of Little Spokane River (55.0600)	June 16 - August 31	X	-

Calispel Creek (62.0628)	August 1 - August 31	X	-
Other tributaries to the Pend Oreille River in Stevens County	July 1 - August 31	X	-
Thurston County	July 16 - September 15	X	-
Cedar Creek (23.0570)	August 1 - September 30	X	-
Chehalis River (22.0190/23.0190) - Upstream of Porter Creek	August 1 - August 15	X	X
Skookumchuck River (23.0761) - Mouth to Skookumchuck Reservoir	August 1 - August 31	X	X
Skookumchuck River (23.0761) - Upstream of Skookumchuck Reservoir	August 1 - August 31	X	-
Deschutes River (13.0028) - Mouth to Deschutes Falls	July 16 - August 31	X	X
Deschutes River (13.0028) - Upstream of Deschutes Falls	July 16 - August 31	X	-
Ellis Creek (13.0022)	May 16 - September 30	X	-
Little Deschutes River (13.0110)	July 16 - February 28	X	-
McLane Creek (13.0138)	August 1 - October 31	X	-
Percival Creek (13.0029)	July 16 - August	X	-

	31		
Nisqually River (11.0008)	July 16 - August 31	X	X
Tributaries of Nisqually River (11.0008)	July 16 - August 31	X	-
Porter Creek (23.0543)	August 1 - September 30	X	-
Schneider Creek (14.0009)	August 1 - October 31	X	-
Waddell Creek (23.0677)	August 1 - September 30	X	-
Woodard Creek (13.0012)	July 16 - August 31	X	-
Woodland Creek (13.0006)	July 16 - September 30	X	-
Wahkiakum County	July 16 - September 15	X	-
Columbia River	See below	-	-
Abernathy Creek (25.0297)	July 16 - September 15	X	-
Deep River (25.0011)	July 16 - September 15	X	X
Elochoman River (25.0236)	July 16 - September 15	X	X
Grays River (25.0093)	July 16 - September 15	X	X
Mill Creek (25.0284)	July 16 -	X	-

	September 15		
Naselle River (24.0543)	July 16 - September 15	X	X
Skamokowa Creek (25.0194)	July 16 - September 15	X	-
Walla Walla County	July 16 - September 30	X	-
Walla Walla River (32.0008) - Mouth to Oregon state line	July 16 - September 15	X	X
Mill Creek (32.1436) - Mouth to Oregon state line	August 1 - August 15	X	-
Touchet River (32.0097) - Mouth to Forks	August 1 - August 15	X	X
North Fork Touchet/Wolf Fork (32.0761)	Submit Application	-	-
South Fork Touchet (32.0708)	Submit Application	-	-
Whatcom County	July 16 - August 15	X	-
Damfino Creek (00.0032)	July 16 - August 31	X	-
Nooksack River (01.0120)	July 16 - August 15	X	X
Cascade Creek (02.0057) - Mouth to FR 37	Submit Application	-	-
Cascade Creek (02.0057) - Upstream of FR 37	July 16 - February 28	X	-

Middle Fork Nooksack River (01.0339) - Mouth to City of Bellingham Diversion Dam	July 16 - August 15	X	X
Middle Fork Nooksack River (01.0339) - Upstream of City of Bellingham Diversion Dam	Submit Application	-	-
North Fork Nooksack River (01.0120) - Mouth to Nooksack Falls	July 16 - August 15	X	X
North Fork Nooksack River (01.0120) - Upstream of Nooksack Falls	Submit Application	-	-
Barometer Creek (01.0513)	July 16 - February 28	X	-
Ruth Creek (01.0531)	July 16 - February 28	X	-
Swamp Creek (01.0518)	July 16 - February 28	X	-
Wells Creek (02.0057)	Submit Application	-	-
Bar Creek (01.0500)	July 16 - February 28	X	-
South Fork Nooksack (01.0246) - Mouth to Wanlick Creek	August 1 - August 15	X	X
South Fork Nooksack (01.0246) - Upstream of Wanlick Creek	August 1 - August 15	X	-
Samish River (03.0005)	July 16 - August	X	-

	15		
Skagit River (03.0176/04.0176)	Submit Application	-	-
Baker River (04.0435) - Mouth to Baker Lake Dam (04.0435)	Submit Application	-	-
Baker River (04.0435) - Baker Lake to national park boundary	Submit Application	-	-
Boulder Creek (04.0499)	July 16 - February 28	X	-
Park Creek (04.0506) - Mouth to fish passage barrier at river mile 1.6	Submit Application	-	-
Park Creek (04.0506) - Upstream of river mile 1.6	July 16 - February 28	X	-
Swift Creek (04.0509) - Mouth to Rainbow Creek	Submit Application	-	-
Swift Creek (04.0509) - Upstream of Rainbow Creek	July 16 - February 28	X	-
Ross Lake (03.0176/04.0176) tributaries	Submit Application	-	-
Ruby Creek (04.2199)	Submit Application	-	-
Canyon Creek (04.2458) - Mouth to Barron Creek	Submit Application	-	-
Canyon Creek (04.2458) - Upstream of Barron Creek	October 1 - February 28	X	-

and tributaries			
Barron Creek (04.2591)	October 1 - February 28	X	-
Boulder Creek (04.2478) - Mouth to 300 feet upstream	Submit Application	-	-
Boulder Creek (04.2478) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
Friday Creek (04.2549) - Mouth to 300 feet upstream	Submit Application	-	-
Friday Creek (04.2549) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
Holmes Creek (04.2473) - Mouth to 300 feet upstream	Submit Application	-	-
Holmes Creek (04.2473) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
Mill Creek (04.2504) - Mouth to 300 feet upstream	Submit Application	-	-
Mill Creek (04.2504) - 300 feet upstream of mouth to headwaters	October 1 - February 28	X	-
Nickol Creek (04.2476) - Mouth to 300 feet upstream	Submit Application	-	-
Nickol Creek (04.2476) - 300 feet upstream of	October 1 -	X	-

mouth to headwaters	February 28		
North Fork Canyon Creek (04.2583) - Mouth to Elk Creek	Submit Application	-	-
Cascade Creek (05.2584)	October 1 - February 28	X	-
North Fork Canyon Creek (04.2583) - Upstream of Elk Creek	October 1 - February 28	X	-
Slate Creek (04.2557) - Mouth to falls at River Mile 0.6	Submit Application	-	-
Slate Creek (04.2557) - Upstream of falls at River Mile 0.6	October 1 - February 28	X	-
Granite Creek (04.2313) - Mouth to East Creek	Submit Application	-	-
Granite Creek (04.2313) - Upstream of East Creek and tributaries	October 1 - February 28	X	-
Saar Creek (00.0003)	August 1 - September 30	X	-
Silesia Creek (00.0042) - Canadian Border to Middle Fork	July 16 - August 15	X	-
Silesia Creek (00.0042) - Middle Fork to national park boundary	July 16 - February 28	X	-
Rapid Creek (00.0048)	July 16 - February 28	X	-

West Fork Silesia Creek (00.0044)	July 16 - February 28	X	-
Winchester Creek (00.0045)	July 16 - February 28	X	-
Whitman County	July 16 - December 15	X	-
Snake River (35.0002)	See below	-	-
Alkali Flats Creek (35.0570)	July 16 - December 15	X	-
Almota Creek (35.1017)	July 16 - December 15	X	-
Little Almota Creek (35.1018)	July 16 - December 15	X	-
Palouse River (34.0003) - Mouth to Palouse Falls	July 16 - September 30	X	X
Palouse River (34.0003) - Upstream of Palouse Falls	July 16 - February 28	X	X
Penewawa Creek (35.0916)	July 16 - December 15	X	-
Wawawi Canyon Creek (35.1165)	July 16 - December 15	X	-
Yakima County	June 1 - September 15	X	-
Glade Creek (31.0851)	August 1 - September 30	X	-
Klickitat River (30.0002)	Submit Application	-	-

Yakima River (37.0002/38.0002/39.0002) - Mouth to Roza Dam	June 1 - September 15	X	X
Ahtanum Creek (37.1382)	June 16 - September 30	X	-
North Fork Ahtanum Creek (37.1382)	Submit Application	-	-
South Fork Ahtanum Creek (37.1382)	Submit Application	-	-
Naches River (38.0003) - Mouth to Tieton River	July 1 - October 15	X	X
Naches River (38.0003) - Upstream of mouth of Tieton River to Bumping River	July 1 - August 15	X	X
Bumping River (38.0998)	July 16 - August 15	X	X
American River (38.1000)	Submit Application	-	-
Gold Creek (38.MISC)	July 16 - February 28	X	-
Kettle Creek (38.1033)	Submit Application	-	-
Miner Creek (38.1027)	July 16 - February 28	X	-
Morse Creek (38.1072) - Mouth to SR410 Crossing	August 1 - August 15	X	-
Morse Creek (38.1072) - Upstream of SR410 Crossing	August 1 - February 28	X	-

Rock Creek (38.MISC)	July 16 - February 28	X	-
Timber Creek (38.1062)	August 1 - August 15	X	-
Union Creek (38.1045) - Upstream of 500' above falls	August 1 - February 28	X	-
Union Creek (38.1045) - Mouth to 500' above falls	Submit Application	-	-
Other American River tributaries not listed	August 1 - February 28	X	-
Deep Creek (38.MISC)	Submit Application	-	-
Copper Creek (38.MISC)	August 1 - August 15	X	-
Cowiche Creek (38.0005) - Mouth to South Fork Cowiche Creek	July 1 - September 30	X	-
North Fork Cowiche Creek (38.0008)	July 1 - February 28	X	-
South Fork Cowiche Creek (38.0031) - Mouth to Reynolds Creek	July 1 - September 30	X	-
South Fork Cowiche Creek (38.0031) - Upstream of Reynolds Creek	July 16 - October 31	X	-
Granite Creek (38.MISC)	August 1 - August 15	X	-
Little Naches River (38.0852) - Mouth to	July 16 - August 15	X	X

Matthews Creek			
Little Naches River (38.0852) - Upstream of Matthews Creek	July 16 - August 15	X	-
Crow Creek (38.0858)	July 16 - August 15	X	-
Nile Creek (38.0692)	July 16 - October 15	X	-
Rattlesnake Creek (38.0518)	July 16 - August 15	X	-
Tieton River (38.0166) - Mouth to Rimrock Dam	July 1 - August 31	X	X
North Fork Tieton River (38.0291) - Below Clear Lake Dam	Submit Application	-	-
North Fork Tieton River (38.0291) - Upstream of Clear Lake	July 1 - August 15	X	-
Clear Creek (38.0317)	July 16 - February 28	X	-
South Fork Tieton River (38.0374) - Below South Fork Falls	Submit Application	-	-
South Fork Tieton River (38.0374) - Upstream of South Fork Falls	July 16 - February 28	X	-
Indian Creek (38.0302)	Submit Application	-	-
Tributaries of Tieton River below Rimrock Dam	July 16 - February 28	X	-

Umtanum Creek (39.0553)	July 16 - September 30	X	-
Wenas Creek (39.0032)	July 16 - October 15	X	-
Other Yakima River tributaries	July 16 - August 31	X	-
Columbia River	-	-	-
Mouth to the I-205 Bridge	August 1 - March 31	X	X
I-205 Bridge to Bonneville Dam	July 16 - September 15	X	X
Bonneville Dam to Snake River	July 16 - February 28	X	X
Snake River to Priest Rapids Dam	July 16 - September 30	X	X
Priest Rapids Dam to Mouth of Crab Creek	July 16 - February 28	X	X
Mouth of Crab Creek to Wanapum Dam	July 16 - September 30	X	X
Wanapum Dam to the SR 285 bridge in South Wenatchee	July 16 - February 28	X	X
SR 285 bridge in South Wenatchee to the SR 2 bridge	July 16 - September 30	X	X
SR 2 bridge to one mile downstream of the Chelan River	July 16 - February 28	X	X
From one mile downstream	July 16 -	X	X

of the Chelan River to the SR 97 bridge	September 30		
From SR 97 bridge to Chief Joseph Dam	July 16 - February 28	X	X
Chief Joseph Dam to Grand Coulee Dam	June 16 - March 31	X	X
Grand Coulee Dam to Canadian border	Submit Application	-	-
All Columbia River tributaries	See county listings	-	-
Snake River	-	X	-
Mouth to Ice Harbor Dam	July 16 - September 30	X	X
Ice Harbor Dam to Mouth of Clearwater River	July 16 - March 31	X	X
Mouth of Clearwater River to State Line	August 1 - August 31	X	X
All Snake River tributaries	See county listings	-	-
Lakes	Submit Application	-	-
Salt water	Submit Application	-	-
All waters within Indian tribal reservation, national park, state park, or wilderness boundaries	Submit Application	-	-

³³ The text of this section has not changed.

DRAFT

1 **220-110-211 Streamlined review of certain fish habitat enhancement**
2 **projects.**

3 Conformance with other applicable provisions: All projects must meet the standards listed in
4 WAC 220-110-036—General Requirements for all HPAs, and any of the provisions listed in WAC
5 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
6 addition:

7 (1) To qualify for streamlined processing under RCW 77.55.181, a fish habitat enhancement
8 project must:

9 (a) be approved in one of the following ways:

10 (i) at the assistant director or higher level, by the department as a salmon
11 enhancement project under chapter 77.95 or as a volunteer fish and wildlife
12 program project under 77.100 RCW ;

13 (ii) by the sponsor of a watershed restoration plan as provided in chapter 89.08
14 RCW;

15 (iii) at the assistant director or higher level, by the department as a department-
16 sponsored fish habitat enhancement or restoration project;

17 (iv) Through the review and approval process for conservation district-sponsored
18 projects, where the project complies with design standards established by the
19 conservation commission through interagency agreement with the United States
20 fish and wildlife service and the natural resource conservation service;

21 (v) Through a formal grant program established by the legislature or the
22 department for fish habitat enhancement or restoration; or,

23 (vi) Through other formal review and approval processes established by the
24 legislature.

25 (b) be limited to one or more of the project types included in the definition of fish
26 habitat enhancement project in WAC 220-110-020;

27 (c) be specifically designed and constructed solely to improve fish habitat; not include
28 other activities that are not integral to one of the fish habitat enhancement activities in
29 the definition of fish habitat enhancement project in WAC 220-110-020, such as
30 construction of hiking trails, picnicking areas, bike paths or removal of buildings;

31 (d) result in net beneficial impacts to the environment and not serve as mitigation for
32 impacts of another project;

- 33 (e) not be constructed as a phase of, connected to, or associated with another fish
34 habitat enhancement project, unless the completion of one project is separated from
35 the start of construction of the next by at least two years. Applicants must submit
36 phased or connected projects as one proposal, and the total project must meet all the
37 criteria for approval;
- 38 (f) not have adverse impacts to wetland areas or functions and may not fill wetlands.
39 Restoration of historic hydrologic processes is not considered a loss of function unless
40 there would be significant impacts to other elements of the environment;
- 41 (g) not have the potential to cause flooding outside of the project boundaries;
- 42 (h) not remove streambed material except where allowed under subsections (2), (3), or
43 (4);
- 44 (i) occur within no more than one mile of stream length;
- 45 (j) reconnect no more than one mile of historic side channels to the primary stream
46 channel;
- 47 (k) not reduce existing channel sinuosity;
- 48 (l) not involve the use of explosives; and,
- 49 (m) have no public health, safety, or other environmental issues,
- 50 (2) A fish habitat enhancement project that eliminates human-made fish passage barriers must:
- 51 (a) repair, remove, or correct a human-made structure or channel that partially or
52 completely restricts the free movement of fish;
- 53 (b) rechannelize only that portion of an existing stream that is a fish passage barrier
54 because of prior channelization by humans;
- 55 (c) not repair, remove, or correct a natural barrier such as individual trees, logjams,
56 beaver dams, waterfalls, or rapids;
- 57 (d) remove or place no more than ten thousand cubic yards of material;
- 58 (e) breach or dismantle a dam that is no more than fifteen vertical feet high;
- 59 (f) breach or dismantle no more than a combined total of one mile of dikes, berms, or
60 levees; and,
- 61 (g) not correct the fish passage barrier through the use of a bridge that is not rated prior
62 to construction for safe load limits and is set on piers located landward of the ordinary
63 high water line ;

64 (3) A fish habitat enhancement project that restores an eroded or unstable stream bank using
65 bioengineering must:

66 (a) use live woody vegetation or a combination of live woody vegetation and specially
67 developed natural or synthetic materials to establish a complex root grid within the
68 existing bank which is resistant to erosion, provides bank stability, and maintains a
69 healthy riparian environment with habitat features important to fish life. Use of wood
70 structures or limited use of clean angular rock may be allowable to provide stability for
71 establishment of the vegetation;

72 (b) be designed and constructed to restore eroded or unstable stream banks where
73 erosion exceeds natural levels and is causing detrimental impacts to fish life, fish
74 habitat, or both. It may not seek to address mechanisms of failure with reach scale
75 causes, such as avulsion, mass failure, chute cutoff, or long lengths of meandering
76 channel.

77 (c) limit rock placement to that necessary to stabilize the toe of an eroding bank; and,

78 (d) install bioengineered bank protection on banks no higher than twenty vertical feet,
79 measured from the toe of the bank to the crest of the bank slope.

80 (4) A fish habitat enhancement project that places large woody material or other in-stream
81 structures to benefit naturally reproducing fish stocks must:

82 (a) place no more than two hundred cubic yards of rounded rock;

83 (b) place no more than thirty cubic yards of angular quarried rock;

84 (c) place in-stream structures in no more than one mile of stream;

85 (d) be located in a stream with an average gradient within the project site of no more
86 than five percent and a bankfull width within the project site of no more than sixty feet;
87 and,

88 (e) excavate no more than one hundred cubic yards of streambed material for the
89 placement of in-stream structures.

90 (5) Hydraulic projects that are beneficial to fish or wildlife habitat that do not qualify for
91 streamlined processing under this section may qualify for an alternative process authorized by
92 RCW 90.58.147 (1) (a). That process requires project review under the State Environmental
93 Policy Act (Chapter 43.21C RCW), but waives local government shoreline substantial
94 development permits.

1 **220-110-213 Beaver dam management**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
4 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
5 addition:

6 A request to manage a beaver dam at the same location three times in three years shall trigger
7 discussions between the proponent(s) and the department to develop a long-term solution.

8 (1) Beaver dam management.

9 (a) The use of explosives in beaver dam management is not allowed.

10 (b) Beaver dam management shall take place when alteration or removal of the dam will
11 cause the least impact to fish life . The beaver dam shall be removed gradually to
12 prevent the sudden release of impounded water or sediments.

13 (c) The beaver dam shall be removed with a minimum of disturbance to streambed and
14 banks. Woody vegetation shall not be removed from the banks.

15 (d) Only material associated with the beaver dam shall be removed. All waste material such
16 as construction debris, silt, excess dirt or overburden resulting from this project shall be
17 deposited above the limits of flood water in an approved upland disposal site.

18 (e) If fish will be adversely impacted as a result of this project they must be captured and
19 safely moved to the nearest free-flowing water.

20 (2) Water leveling devices

21 (a) Water leveling devices must freely pass all mobile fish life stages. Specifically;

22 (i) A minimum depth of eight-tenths foot must be maintained at all times

23 (ii) The maximum velocity shown in Table XXX must not be exceeded more than five
24 percent of the year.

25 (iii) hydraulic drops must not exceed one-half foot.

26 (b) Pipes conveying water through the dam or connecting any parts of the water leveling
27 device must be a minimum internal diameter of one foot for streams with resident fish
28 populations only, and a minimum internal diameter of one and one-half feet for
29 streams with anadromous salmonids.

30 (c) The structure must remain stable in conditions up to the design flood.

31 (3) Beaver exclusion devices

32 (a) (placeholder)

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1 **220-110-331 (formerly -331 through -338) Aquatic plant removal and control**
2 **technical provisions.**

3 Conformance with other applicable provisions: all projects must meet the standards listed in
4 WAC 220-110-036XXX—General Requirements for all HPAs, and any of the provisions listed in
5 WAC 220-110-037XXX through 220-110-339XXX that are applicable to the specific project. In
6 addition:

7 Certain technical provisions are required depending upon the individual proposal and site
8 specific characteristics. Additional provisions may be included, as necessary to address site-
9 specific conditions. Those provisions, where applicable, shall be contained in the HPA
10 (pamphlet or individual), as necessary to protect fish life. HPAs shall have specific time
11 limitations on project activities to protect fish life. Information concerning timing shall be
12 included with the pamphlet HPA. Saltwater provisions may be applied to tidally influenced
13 areas upstream of river mouths and the mainstem Columbia River downstream of Bonneville
14 Dam where applicable.

15 Aquatic plants fall into two broad categories: “aquatic beneficial plants” (WAC 220-110-036XXX
16 (2); RCW 17.10.010 (10)) and “aquatic noxious weeds” (WAC 220-110-020XXX (3); RCW
17 17.10.010(10)).

18 An activity conducted solely for the removal or control of *Spartina* does not require an HPA.

19 An activity conducted solely for the removal or control of purple loosestrife and which is
20 performed with hand-held tools, hand-held equipment, or equipment carried by a person when
21 used does not require an HPA.

22 Any other activity conducted solely for the removal or control of aquatic noxious weeds or
23 aquatic beneficial plants shall require either a copy of the current *Aquatic Plants and Fish*
24 pamphlet HPA available from the department or an individual HPA.

25 Aquatic noxious weed control projects may be completed year-round. Control of aquatic
26 beneficial plants is subject to restrictions on timing as detailed in the *Aquatic Plants and Fish*
27 pamphlet HPA or the individual HPA.

28 (1) Aquatic Noxious Weed Early Infestations:

29 (a) The following methods are allowed for eradication of aquatic noxious weed early
30 infestations:

31 (i) Hand removal or control.

32 (ii) Bottom barriers or screens.

33 (iii) Diver-operated dredging.

34 (b) The following methods shall not be used to remove aquatic noxious weed early
35 infestations:

- 36 (i) Weed rollers.
- 37 (ii) Mechanical harvesters and cutters.
- 38 (iii) Rotovators.
- 39 (iv) Dragline or clamshell dredges.

40 (2) Permits by Pamphlet:

41 (a) Aquatic noxious weed management : The following methods of aquatic noxious weed
42 management are permitted by the *Aquatic Plants and Fish* pamphlet. Section [c], below,
43 specifies limitations on the pamphlet permit to protect sockeye spawning.

- 44 (i) Hand removal or control.
- 45 (ii) Bottom barriers or screens along fifty percent³⁴ or less of the applicant's
46 shoreline.
- 47 (iii) Weed rolling an area of 2,500 square feet or less.
- 48 (iv) Mechanical harvesting and cutting.
- 49 (v) Diver-operated dredging.

50 (b) Aquatic beneficial plant management: In some circumstances, small scale removal of
51 aquatic beneficial plants is permitted by the *Aquatic Plants and Fish* pamphlet. The
52 pamphlet specifies timing restrictions. Section [c], below, specifies limitations on the
53 pamphlet permit to protect sockeye spawning.

- 54 (i) Hand removal or control of aquatic beneficial plants to maintain an access for
55 boating or swimming in a maximum area of 500 square feet.
- 56 (ii) Biodegradable bottom barrier or screen and anchor material along a maximum
57 length of ten linear feet of the applicant's shoreline.

58 (c) For aquatic plant control projects that rely on the *Aquatic Plants and Fish* pamphlet as
59 an HPA, a copy of the current pamphlet shall be on the job site at all times. Projects may
60 incorporate mitigation measures as necessary to achieve no-net-loss of productive capacity
61 of fish and shellfish habitat.

62 (3) Permits by Individual HPA:

63 (a) Sockeye Spawning Area Protection: Due to potential impacts to sockeye spawning areas,
64 an individual HPA is required for raking, bottom barriers or screens, weed rolling, or
65 dredging in Baker Lake and Lakes Osoyoos, Ozette, Pleasant, Quinault, Sammamish,
66 Washington and Wenatchee. If the department authorizes raking, the department may
67 require mitigation formalized through a written agreement between the applicant and the
68 department for impacts to the spawning area.

69
70 (b) Individual HPAs are required for the following methods of aquatic plant management:

71 (i) Hand removal or control of aquatic beneficial plants along more than ten linear
72 feet of the applicant's shoreline.

73 (ii) Bottom barrier control of aquatic beneficial plants along more than ten linear
74 feet of the applicant's shoreline.

75 (iii) Bottom barrier control of aquatic noxious weeds along more than fifty percent of
76 the applicant's shoreline.

77 (iv) Diver-operated dredging of aquatic beneficial plants.

78 (v) Mechanical harvesting and cutting of aquatic beneficial plants.

79 (vi) Weed rolling of any aquatic beneficial plants, or of aquatic noxious weeds in an
80 area larger than 2,500 square feet.

81 (vii) Rotovation.

82 (viii) Aquatic plant dredging other than diver-operated dredging.

83 (ix) Water level manipulation.

84 (c) For aquatic plant control projects that require an individual HPA:

85 (i) Common provisions for aquatic plant control

86 (A) Existing fish habitat components such as logs, stumps, and large boulders
87 may be relocated within the watercourse if necessary to properly install
88 equipment or barriers being used to control aquatic plants. These habitat
89 components shall not be removed from the watercourse. For hand removal or
90 control, existing fish habitat components shall not be removed or disturbed.

91 (B) When the selected method of aquatic plant control involves detaching
92 aquatic noxious weeds from the substrate, removal of detached plants and plant
93 fragments from the watercourse shall be as complete as possible. Detached

94 plants and plant fragments shall be disposed of at an upland site so as not to
95 reenter state waters.

96 (C) Every effort shall be made to avoid the spread of plant fragments through
97 equipment contamination. Persons or firms using any equipment to remove or
98 control aquatic plants shall thoroughly remove and properly dispose of all viable
99 residual plants and viable plant parts from the equipment prior to the
100 equipment's use in a body of water.

101 (ii) Specific methods of control

102 (A) Hand removal or control.

103 (I) Work shall be restricted to the use of hand-pulling, hand-held tools or
104 equipment, or equipment that is carried when used.

105 (II) Where possible, the entire plant shall be removed when using hand-
106 pulling for aquatic noxious weeds.

107 (B) Bottom barriers or screens.

108 (I) Bottom barrier or screen and anchor material consisting of
109 biodegradable material may be left in place. Bottom barrier or screen
110 and anchor material that is not biodegradable shall be completely
111 removed within two years of placement to encourage recolonization of
112 aquatic beneficial plants unless otherwise approved by the department.

113 (II) Bottom barrier or screen material shall be securely anchored with
114 pea-gravel filled bags, rock or similar mechanism to prevent billowing and
115 movement offsite.

116 (III) Bottom barrier or screen and anchors shall be regularly maintained
117 while in place to ensure the barrier or screen and anchors are functioning
118 properly. Barriers or screens that have moved or are billowing shall
119 immediately be securely reinstalled or removed from the watercourse.

120 (C) Weed rolling is regulated by the common provisions listed in 220-110-331
121 (3)(c)(i)XXX.

122 (D) Mechanical harvesting and cutting.

123 (I) Mechanical harvester and cutter operations shall only be conducted in
124 waters of sufficient depth to avoid bottom contact with the cutter blades.

125 (II) Mechanical harvesters and cutters shall be operated at all times to
126 cause the least adverse impact to fish life.

127 (III) Fish life that may be entrained in the cut vegetation during
128 mechanical harvester operations shall be immediately and safely
129 returned to the watercourse.

130 (E) Rotovation.

131 (I) Rotovators shall be operated at all times to cause the least adverse
132 impact to fish life.

133 (II) Rotovation shall not occur in fish spawning areas unless approved by
134 the department.

135 (F) Aquatic plant dredging.

136 (I) Dredging shall be conducted at all times with dredge types and
137 methods that cause the least adverse impact to fish life.

138 (II) Upon completion of the dredging, the bed shall not contain pits,
139 potholes, or large depressions to avoid stranding of fish.

140 (III) Plants and plant fragments shall be removed from the dredge slurry
141 prior to its return to the watercourse. Sediments containing seeds of
142 invasive plants shall not be returned to the watercourse; instead they
143 shall be properly disposed of at an upland disposal site.

144 (IV) An hydraulic dredge shall only be operated with the intake at or
145 below the surface of the material being removed. The intake shall only
146 be raised a maximum of three feet above the bed for brief periods of
147 purging or flushing the intake system.

148 (V) Dredging shall not be conducted in fish spawning areas unless
149 approved by the department.

150 (VI) If a dragline or clamshell is used, it shall be operated to minimize
151 turbidity. During excavation, each pass with the clamshell or dragline
152 bucket shall be complete. Dredged material shall not be stockpiled
153 waterward of the ordinary high water line.

154 (G) Water level manipulation.

155 (I) Water level manipulation shall be conducted to cause the least
156 adverse impact to fish life.

157 (II) Water level manipulation shall occur gradually and in a controlled
158 manner to prevent a sudden release of impounded water or sediments
159 which may result in downstream bed and bank degradation,

160 sedimentation, or flooding. Water levels shall be drawdown and
161 brought back up at rates predetermined in consultation with and
162 approved by the department. Instream flow requirements shall be
163 maintained as water levels are brought back up.

³⁴ Existing language sets limits for different methods of vegetation removal in three different ways: removal on a given linear distance linear of shoreline, removal on a given percentage of an owner's shoreline, or removal on a specified number of square feet of bed.

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1 **220-110-335 Aquaculture**

2 Conformance with other applicable provisions: all projects must meet the standards listed in
3 WAC 220-110-036—General Requirements for all HPAs, and any of the provisions listed in WAC
4 220-110-037XXX through 220-110-339XXX that are applicable to the specific project.

5 The department may not regulate private sector cultured aquatic products raised by aquatic
6 farmers as defined in RCW 15.85.020. The department shall regulate hydraulic projects
7 involving the construction, maintenance, or removal of infrastructure, or activities that support,
8 but do not directly involve private sector cultured aquatic products. Hydraulic projects involving
9 cultured aquatic products and aquatic farmers that are not in the private sector must obtain
10 HPAs under WAC 220-110-030.

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1 **220-110-340 Informal appeal of adverse administrative actions.**

2 The department recommends that a person aggrieved by the issuance, denial, conditioning, or
3 modification of an HPA contact the department employee responsible for making the decision
4 on the HPA before initiating an informal appeal. Discussion of concerns with the department
5 employee often results in a resolution of the problem without the need for an informal appeal.

6 The department encourages aggrieved persons to take advantage of the informal appeal
7 process before initiating a formal appeal. However, the informal appeal process is not
8 mandatory, and a person may proceed directly to a formal appeal under WAC 220-110-350.

9 (1) This rule does not apply to any provisions or conditions in pamphlet HPAs or supplemental
10 approvals as defined in WAC 220-110-020. A person who disagrees with a provision or
11 condition in a pamphlet HPA or its supplemental approval may apply for an individual, written
12 HPA.

13 (2) Any person with standing may request an informal appeal of the following department
14 actions:

15 (a) The issuance, denial, conditioning, or modification of an HPA; or

16 (b) An order imposing civil penalties.

17 (3) A request for an informal appeal shall be in writing and shall be received by the department
18 within thirty days from the date of receipt of the decision or order. "Date of receipt" means:

19 (a) Five business days after the date of mailing; or

20 (b) The date of actual receipt, when the actual receipt date can be proven by a
21 preponderance of the evidence. The recipient's sworn affidavit or declaration indicating
22 the date of receipt, which is unchallenged by the department, shall constitute sufficient
23 evidence of actual receipt. The date of actual receipt; however, may not exceed forty-
24 five days from the date of mailing.

25 (4) A request for informal appeal shall be mailed to the HPA Appeals Coordinator, Department
26 of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-
27 mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to the
28 Natural Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor.

29 (5) The request shall be plainly labeled as "Request for Informal Appeal" and shall include the
30 following:

31 (a) The appellant's name, address, e-mail address (if available), and phone number;

32 (b) The specific department action that the appellant contests;

- 33 (c) The date the department issued, denied, conditioned, or modified an HPA, or the
34 date the department issued the order imposing civil penalties;
- 35 (d) The log number or a copy of the HPA, or a copy of the order imposing civil penalties;
- 36 (e) A short and plain statement explaining why the appellant considers the department
37 action or order to provide inadequate protection of fish life or to be otherwise unlawful;
- 38 (f) A clear and concise statement of facts to explain the appellant's grounds for appeal;
- 39 (g) Whether the appellant is the permittee, HPA applicant, landowner, resident, or
40 another person with an interest in the department action in question;
- 41 (h) The specific relief requested;
- 42 (i) The attorney's name, address, e-mail address (if available), and phone number, if the
43 appellant is represented by legal counsel; and
- 44 (j) The signature of the appellant or his or her attorney.
- 45 (6) Upon receipt of a valid request for an informal appeal, the department may initiate a review
46 of the department action. If the appellant agrees, and the appellant applied for the HPA,
47 resolution of the appeal may be facilitated through an informal conference. The informal
48 conference is an optional part of the informal appeal and is normally a discussion between the
49 appellant, the department employee responsible for the decision, and a supervisor. The time
50 period for the department to issue a decision on an informal appeal is suspended during the
51 informal conference process.
- 52 (7) If a resolution is not reached through the informal conference process, the appellant is not
53 the person who applied for the HPA, or the appeal involves an order imposing civil penalties,
54 the HPA appeals coordinator or designee shall conduct an informal appeal hearing. Upon
55 completion of the informal appeal hearing, the HPA appeals coordinator or designee shall
56 recommend a decision to the director or designee. The director or designee shall approve or
57 disapprove the recommended decision within sixty days of the date the department received
58 the request for informal appeal, unless the appellant agrees to an extension of time. The
59 department shall notify the appellant in writing of the decision of the director or designee.
- 60 (8) If the department declines to initiate an informal review of its action after receipt of a valid
61 request, or the appellant still wishes to contest the department action following completion of
62 the informal appeal process, the appellant may initiate a formal appeal under WAC 220-110-
63 350. Formal review must be requested within the time periods specified in WAC 220-110-350.

1 **220-110-350 Formal appeal of administrative actions.**

2 The department recommends that a person aggrieved by the issuance, denial, conditioning, or
3 modification of an HPA contact the department employee responsible for making the decision
4 on the HPA before initiating a formal appeal. Discussion of concerns with the department
5 employee often results in a resolution of the problem without the need for a formal appeal.

6 The department encourages aggrieved persons to take advantage of the informal appeal
7 process under WAC 220-110-340 before initiating a formal appeal. However, the informal
8 appeal process is not mandatory, and a person may proceed directly to a formal appeal.

9 (1) This rule does not apply to any provisions or conditions in pamphlet HPAs or supplemental
10 approvals as defined in WAC 220-110-020. A person who disagrees with a provision or
11 condition in a pamphlet HPA or its supplemental approval may apply for an individual, written
12 HPA.

13 (2) Any person with standing may request a formal appeal of the following department actions:

14 (a) The issuance, denial, conditioning, or modification of an HPA; or

15 (b) An order imposing civil penalties.

16 (3) As required by the Administrative Procedure Act, chapter 34.05 RCW, the department shall
17 inform the HPA permittee or applicant, or person subject to civil penalty order of the
18 department, of the opportunity for appeal, the time within which to file a written request for
19 an appeal, and the place to file it.

20 (4) A request for formal appeal shall be in writing and shall be filed with the clerk of the
21 pollution control hearings board (PCHB) and served on the department within thirty days from
22 the date of receipt of the decision or order. "Date of receipt" means:

23 (a) Five business days after the date of mailing; or

24 (b) The date of actual receipt, when the actual receipt date can be proven by a
25 preponderance of the evidence. The recipient's sworn affidavit or declaration indicating
26 the date of receipt, which is unchallenged by the department, shall constitute sufficient
27 evidence of actual receipt. The date of actual receipt; however, may not exceed forty-
28 five days from the date of mailing.

29 (5) Service on the department shall be mailed to the HPA Appeals Coordinator, Department of
30 Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia, Washington 98501-1091; e-
31 mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-delivered to the
32 Natural Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor.

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

37 (7) The request for formal appeal shall contain the information required by WAC 371-08-340.

38 (8) The department in its discretion may stay the effectiveness of any decision or order that has
39 been appealed to the PCHB. The department will use the standards in WAC 371-08-415(4) to
40 make a decision on any stay request. At any time during the appeal to the PCHB, the appellant
41 may apply to the PCHB for a stay of the decision or order, or removal of a stay imposed by the
42 department.

43 (9) If there is no timely request for an appeal, the department action shall be final and
44 unappealable.

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1 **220-110-360 Penalties.**

2 (1) Under RCW 77.15.300, it is a gross misdemeanor to construct any form of hydraulic project
3 or perform other work on a hydraulic project without having first obtained an HPA from the
4 department, or, violate any requirements or conditions of the HPA for such construction or
5 work.

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

14 (3) If not timely appealed under WAC 220-110-340XXX or 220-110-350XXX, the civil penalty
15 order is final and unappealable. If appealed, the civil penalty becomes final upon issuance of a
16 final order not subject to any further administrative appeal. When a civil penalty order
17 becomes final, it is due and payable. If the civil penalty is not paid within thirty days after it
18 becomes due and payable, the department may seek enforcement of the order under RCW
19 77.55.291 and 34.05