

Chapter 220-110 WAC

HYDRAULIC CODE RULES

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55 **220-110-010 Purpose**

56

57 A hydraulic project is work that uses, diverts, obstructs, or changes the natural flow or bed of
58 any of the salt or fresh waters of the state. To protect fish, shellfish, and their habitat, any
59 person, organization, or government agency who wants to conduct a hydraulic project must get
60 a permit called the Hydraulic Project Approval, or HPA from the department. This chapter
61 establishes the rules for the department's HPA program.
62

63 **220-110-020 Instructions for using chapter 220-110 WAC**

64

65 HPAs have requirements a person must follow when constructing a hydraulic project. These
66 requirements are called provisions that, when followed, lessen the impact of a hydraulic project
67 on fish, shellfish and their habitat. The rules in WAC 220-110-040 through 220-110-090
68 describe the types of HPAs and the application and approval process. The rules in WAC 220-
69 110-100 through 220-110-450 are common requirements for hydraulic projects the department
70 frequently approves. To protect fish life, the department may modify, delete or add
71 requirements to mitigate project or site-specific impacts.

72 A person must also get an HPA for hydraulic project types not identified in Chapter 220-110.
73 These project types are subject to the applicable requirements in Chapter 220-110 and as well
74 as other requirements necessary to mitigate project impacts to fish life.

75 In addition to the rules, the department has developed guidance to assist applicants. The
76 guidance reflects the department's considerable experience and expertise with various types of
77 hydraulic projects. Following the guidance will maximize the potential for successful hydraulic
78 projects. All guidance documents are available on the department's website.

79 **220-110-030 Definitions**

80 These are definitions for terms used in this chapter, unless the context clearly requires
81 otherwise:

82 **(1) GENERAL TERMS**

83 “Adaptive management” means a process of managing, monitoring, evaluating, and
84 incorporating new knowledge to improve outcomes of future management decisions and HPA
85 permitted projects.

86 “Approach velocity” means the component of the local water velocity vector perpendicular to
87 the face of the screen. Calculate the approach velocity based on the gross screen area not the
88 net open area of the screen mesh.

89 “Associated man-made agricultural drainage facilities” means dikes, drains, pumps, drainage
90 tiles and drainage pipe made by humans that protect land used for agricultural uses.

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

94 “Bankfull” means the full capacity of the channel clear up to the top of the channel bank on
95 either side (the transition point between the bank and the floodplain). (Add figure)

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

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

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

107 “Chronic danger” means a condition that may be declared by the county legislative authority in
108 which any property, except for property located on a marine shoreline, has experienced at least
109 two consecutive years of flooding or erosion that has damaged or has threatened to damage a
110 major structure, water supply system, septic system, or access to any road or highway.

111 “Chronic danger HPA” means a written “hydraulic project approval” issued in response to a
112 “chronic danger”.

113 “County legislative authority” means the county commission, council, or other legislative body.

114 “County legislative authority designee” means a person appointment in writing by the county
115 legislative authority to make emergency declarations on their behalf.

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

117 “Design flood” means a stream discharge of a specific rate and probability that is best suited for
118 the design of a project to promote the geomorphological evolution of habitat, or to protect
119 property and structures to a given level of risk (e.g. the hundred year design flood).

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

123 “Emergency HPA” means an oral or written “hydraulic project approval” issued in response to
124 an “emergency” declaration.

125 “Ecosystem process” means physical processes that control local habitat structure and
126 composition (e.g. vegetation, substrate), including where habitat occurs and how much is
127 present. In turn, habitat structure is linked to habitat processes, such as shading or cover, which
128 are linked to fish habitat functions.

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

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

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

137 “Expedited HPA” means a written “hydraulic project approval” issued in response to an
138 “imminent danger” declaration.

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

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

143 “Fish guard” means a device installed at or near a surface water diversion headgate, or on the
144 intake of any device used for pumping water from fish-bearing waters, to prevent entrainment,
145 injury, or death of fish life. Fish guards physically preclude fish from entering the diversion or
146 pump intake and do not rely on avoidance behavior.

147 “Fish habitat” means spawning, incubating, juvenile rearing, overwintering, migration or other
148 freshwater and saltwater areas that fish use during any life stage at any time of the year. It

149 includes potential habitat fish are likely to use if it recovers (restored) from human-caused or
150 natural disturbances.

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

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

160 "Fish life" means all fish species, including but not limited to food fish, shellfish, game fish, and
161 other non-classified fish species and all stages of development of those species.

162 "Fish screen" means "fish guard."

163 "Fishway" means any facility or device designed to enable fish to effectively pass around or
164 through an obstruction without undue stress or delay.

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

167 "Functional grating" means the area of grating where there is unobstructed light penetration to the
168 habitat below by floats, support beams or framing.

169

170 "Hand-held equipment" means equipment held by hand and powered by internal combustion,
171 hydraulics, pneumatics, or electricity. Some examples of hand-held equipment are chainsaws,
172 drills, and grinders.

173

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

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

180 "High fish passage design flow" means the flow through a structure that is not exceeded more
181 than ten percent of the time during the migration months of the fish species of concern.

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

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

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

186 "Hydraulic project approval" means:

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

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

191 (c) The following pamphlet approvals:

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

195 (ii) An "*Aquatic Plants and Fish*" pamphlet issued by the department, which
196 identifies and authorizes specific aquatic noxious weed and aquatic beneficial
197 plant removal and control activities.

198 "Imminent danger" means a threat by weather, water flow, or other natural conditions that is
199 likely to occur within sixty days of a request for a permit application.

200 "In-water blasting" means the use of explosives on, under, or in waters of the state, or in any
201 location adjacent to the waters of the state where blasting would have an impact on fish life or
202 fish habitat.

203 "JARPA" means a "joint aquatic resources permit application".

204 "Low flow continuity" means that the depth and width of the low flow does not change from
205 the upstream channel, through the water crossing and into the downstream channel. Fish
206 choosing to move up or down through the water crossing during the lower flow period are not
207 prevented from doing so by subsurface flow or by flow spread so wide and shallow that there is
208 inadequate swimming depth.

209 "Fish habitat improvement structures or stream channel improvements" means natural or
210 synthetic materials placed in or next to bodies of water to make existing conditions better for
211 fish life. Engineered logjams and large woody material are examples.

212

213 "Flood flow conveyance" means that water depth and velocity during a 100-year recurrence
214 interval flood does not significantly change as it passes through the crossing structure.
215

216 "Floodplain continuity" means that flood flow is allowed to move freely down valley through
217 established side channels, swales or over the valley floor.
218

219 "Flow spreader" means a structure to prevent the concentration of flood flow into narrow
220 erosive channels.
221

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

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

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

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

233 "Hydraulic diversity" means the variation in depth, velocity and substrate texture found in
234 natural channels.

235 "Job site" means the space of ground including and immediately adjacent to the area where
236 work is conducted under the authority of an HPA. For mineral prospecting and placer mining
237 projects, the job site includes the excavation site.

238 "Joint aquatic resources permit application" means a form provided by the department and
239 other agencies which an applicant submits when requesting a written HPA for a hydraulic
240 project.

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

243 "Large wood transport" means that large wood can freely pass through a crossing structure
244 without regular maintenance activities.

245 "Low fish passage design flow" means the two-year seven-day low flow discharge for the
246 subject basin or ninety-five percent exceedance flow for migration months of the fish species of
247 concern.

248 "Maintenance" means a planned strategy of treatments to an existing structure and its
249 appurtenances that preserves the system, retards future deterioration, and maintains or
250 improves the functional condition of the system (without substantially increasing structural
251 capacity).

252 "Margin habitat" means the shallow low velocity margin at the edge of a stream which is a
253 migration corridor for small fish.

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

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

260 "Mean annual flood" means the average of all annual flood stages or discharges of record. If
261 annual flood stage records are unavailable, the 2.33 year flood shall be used to determine the
262 mean annual flood.

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

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

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

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

272 "Mitigation" means actions in the provision of the HPA to avoid, minimize, rectify, reduce or
273 compensate for impacts to fish life and their habitats resulting from the proposed project
274 activity.

275 "Mitigation agreement" means

276 "Mitigation or conservation banks" means a fish habitat creation, restoration, or enhancement
277 project undertaken to act as a bank of credits to compensate for fish habitat impacts from
278 future development projects.

279 "MLLW" means "mean lower low water".

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

282 "Natural evolution of the channel planform and longitudinal profile" means that channels move
283 laterally (meander migration) and vertically (scour and fill) over time and that water crossings
284 or other instream structures must not interfere with this natural tendency.

285 "Natural stream processes" means those physical and biological actions that create the stream
286 channel and flow characteristics of the stream.

287 "No-net-loss" means:

- 288 (a) Avoidance or mitigation of adverse impacts to fish life; or
- 289 (b) Avoidance or mitigation of lost habitat functions necessary to sustain fish life; or
- 290 (c) Avoidance or mitigation of lost area by habitat type, or
- 291 (d) Avoidance or mitigation of lost ecosystem processes necessary to generate and sustain
- 292 habitat type and habitat functions.
- 293 "OHWL" means "ordinary high water line".
- 294 "One hundred-year recurrence interval flood" means the annual flood with a one percent
- 295 chance of occurring, or being exceeded, in any given year.
- 296 "Ordinary high water line" means the mark on the shores of all waters that will be found by
- 297 examining the bed and banks and ascertaining where the presence and action of waters are so
- 298 common and usual and so long continued in ordinary years, as to mark upon the soil or
- 299 vegetation a character distinct from that of the abutting upland. Provided, that in any area
- 300 where the ordinary high water line cannot be found, the ordinary high water line adjoining
- 301 saltwater shall be the line of mean higher high water and the ordinary high water line adjoining
- 302 freshwater shall be the elevation of the mean annual flood.
- 303 "Permanent ford" means a ford that is in place for more than one operating season.
- 304 "Permit" means a hydraulic project approval permit issued under this chapter.
- 305 "Person" means an individual or a public or private entity or organization. The term "person"
- 306 includes local, state, and federal government agencies, and all business organizations.
- 307 "Protection of fish life" means prevention of the loss of or injury to fish or shellfish or the loss or
- 308 permanent degradation of the habitat that supports fish and shellfish populations.
- 309 "Qualified professional" an applied scientist or technologist specializing in a relevant applied
- 310 science or technology including, but not necessarily limited to, forestry, fisheries or wildlife
- 311 biology, engineering, geomorphology, geology, hydrology, or hydrogeology. This person must
- 312 be registered in Washington with their appropriate professional organization, and acting under
- 313 that association's Code of Ethics and subject to disciplinary action by that association, or who,
- 314 through demonstrated suitable education, experience, accreditation and knowledge relevant to
- 315 the particular matter, may be reasonably relied on to provide advice within their area of
- 316 expertise.
- 317
- 318 "Redd" means a nest made in gravel, consisting of a depression dug by a fish for egg deposition,
- 319 and associated gravel mounds. See Figure 6.
- 320 "Rehabilitation" means major work required to restore the structural integrity of a structurally
- 321 deficient or functionally obsolete structure. This can include partial replacement of a structure.

322 “Repair” means activities typically performed on a structure that is in overall good to fair
323 condition to restore damaged or worn out structural elements to a state of good condition.

324 “Replacement” means total replacement of structure with a new structure constructed in the
325 same general location.

326 "River or stream" means “watercourse”.

327 "Saltwater area" means those state waters and associated beds below the ordinary high water
328 line and downstream of stream and river mouths. Saltwater areas include estuaries.

329 “Scientific measurement devices” means devices such as staff gages, tide gages, water
330 recording devices, water quality testing and improvement devices, and similar structures that
331 measure and/or record scientific data.

332 “Seagrass” means *Zostera* species, *Ruppia maritima* and *Phyllospadix* species.

333 “Sediment gradation continuity” means that the size distribution of the streambed sediment
334 does not change from the upstream channel, through the project area and into the
335 downstream channel.

336 “Sediment Transport” means the free passage of fluvially transported sediment through a
337 water crossing or other instream structure.

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

341 “Simplified HPA” means a written HPA issued under a streamlined application and review
342 process for certain hydraulic projects with a low risk of injuring fish life or damaging their
343 habitat.

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

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

351 “Sweeping velocity” means the component of the water velocity vector parallel to and
352 immediately upstream of the screen surface.

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

354 “Temporary ford” means a ford that is in place for one operating season.

355 “Tide gate” means a one-way check valve that prevents the backflow of tidal water.

356 "Tight-radius bends" means XXXX

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

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

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

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

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

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

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

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

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

385 **(2) MINERAL PROSPECTING SPECIFIC TERMS**

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

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

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

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

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

394 "Concentrator" means a device used to physically or mechanically separate the valuable
395 mineral content from aggregate. "Creviceing" means removing aggregate from cracks and
396 crevices using hand-held mineral prospecting tools or water pressure.

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

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

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

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

406 "Hand-held mineral prospecting tools" means:

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

410 (b) Vac-pacs.

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

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

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

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

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

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

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

429 "Mini rocker box" means a rocker box with a riffle area of three square feet or less. See Figure
430 3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

471 **(3) AQUATIC PLANT REMOVAL AND CONTROL SPECIFIC TERMS**

472 "Aquatic beneficial plant" means native and nonnative aquatic plants not prescribed by RCW
473 17.10.010(10) as an aquatic noxious weed, and that are of value to fish life.

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

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

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

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

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

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

488 "Early infestation" means an aquatic noxious weed whose stage of development, life history, or
489 area of coverage makes one hundred percent control and eradication as prescribed by RCW
490 17.10.010(5) likely to occur.

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

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

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

497 "Purple loosestrife" means *Lythrum salicaria* and *Lythrum virgatum* as prescribed in RCW
498 17.10.010 (10) and defined in RCW 17.26.020 (5)(b).

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

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

502 **220-110-040 Adaptive Management of the hydraulic project**
503 **approval program**

504
505 **(1) DESCRIPTION**

506 The department will adaptively manage the Hydraulic Project Approval Program. Adaptive
507 management is a process of managing, monitoring, evaluating, and incorporating new
508 knowledge to improve outcomes of future management decisions.

509 **(2) FISH LIFE CONCERNS**

510 Achieving the goals of the adaptive management program is key to ensuring HPA-permitted
511 activities prevent damage to public fish and shellfish resources and their habitats. Adaptive
512 management allows the department to evaluate the success of the HPA program and adjust
513 it to meet the established goals.

514 **(3) GOALS OF THE ADAPTIVE MANAGEMENT PROGRAM**

- 515
- 516 (a) Ensure hydraulic projects protect fish life.
 - 517
 - 518 (b) Ensure HPA provisions achieve their intended objectives, and that provisions for
519 specific project types are appropriate and necessary.
 - 520
 - 521 (c) Improve protection of fish life by adapting to changing habitat conditions and new
522 information learned through monitoring.
 - 523
 - 524 (d) Understand the cumulative impacts of HPA-permitted activities.
 - 525

526 **(4) ADAPTIVE MANAGEMENT PROGRAM INVOLVEMENT**

- 527
- 528 (a) To achieve the best results, the adaptive management will provide a mechanism for
529 departmental, stakeholder, and tribal involvement. The department will use three
530 groups to implement the adaptive management program:
 - 531 (i) Internal adaptive management committee;
 - 532
 - 533 (ii) External stakeholder committee; and
 - 534
 - 535 (iii) Tribes
 - 536
 - 537
 - 538 (b) The internal adaptive management committee is comprised of, but not limited to,
539 staff from the department's habitat program, and the department's regional offices.

- 540 This committee will convene the external stakeholder committee to collaboratively
541 review department actions related to the HPA program that may:
542
543 (i) Negatively affect the environment or create unintended consequences.
544
545 (ii) Have a significant impact on HPA applicants, such as in cost or construction time.
546
547 (iii) Impose significant changes to standard or current practices.
- 548 (c) The external stakeholder committee is comprised of statewide representatives of
549 the regulated community, conservation organizations, tribes, and county, city, state
550 and federal agencies. This committee can recommend changes to the policies, rules
551 or statutes governing the HPA program.
- 552 (d) In addition to the external stakeholder committee, tribes may participate on a
553 government-to-government level with the department. The department will meet
554 with tribes to review their recommended changes governing the HPA program.

555 **(5) INTERNAL ADAPTIVE MANAGEMENT COMMITTEE RESPONSIBILITIES**

- 556 (a) The internal adaptive management committee will develop a program to monitor
557 and evaluate compliance with HPA provisions, the effectiveness of HPA provisions to
558 protect fish life, and the overall success of the HPA program. The committee will use
559 a risk-based approach to prioritize the monitoring. Implementation of the
560 monitoring program will depend on funding, time, and staff availability.
561
- 562 (b) The internal adaptive management committee will use monitoring and effectiveness
563 data, customer survey results, and other pertinent information to improve the HPA
564 program. The committee will do the following:
565
- 566 (i) Develop objectives for the goals in subsection (3) of this section.
567
- 568 (ii) Develop and implement plans, including monitoring, to address the goals and
569 objectives.
570
- 571 (iii) Assess and document progress towards meeting each goal and objective.
572
- 573 (iv) Identify and record obstacles to progress and possible solutions.
574
- 575 (A) If a solution does not affect stakeholders and tribes, the department will
576 make and document required changes.
577

578 (B) If the internal adaptive management committee determines a solution
579 will affect stakeholders and tribes, the committee will request
580 collaborative review by the external stakeholder committee and tribes.
581

582 (v) The internal adaptive management committee will make recommendations for
583 changes to department procedures, policies, rules, or statutes resulting from the
584 collaborative process to department management.
585

586 **(6) REPORTING**
587

588 (a) The department must inform stakeholders, tribes and interested parties about HPA
589 program adaptive management activities.
590

591 (b) The adaptive management committee must submit HPA Program adaptive
592 management changes and updates as part of the biennial reports to the Governor
593 and Legislature, in accordance with RCW 77.04.120.
594

DRAFT

595 **220-110-050 Applicability of hydraulic project approval**
596 **requirements**

597 **(1) DESCRIPTION**
598

599 A person must obtain in a Hydraulic Project Approval (HPA) before conducting a
600 hydraulic project unless the activity is exempt from this requirement. A list of the
601 exempt activities is in subsection (3) of this section.
602

603 **(2) GENERAL REQUIREMENTS**

604 (a) All hydraulic projects must comply with the applicable requirements listed in chapter
605 220-110 WAC.

606 (b) The HPA will include all of the provisions for which a permittee must comply.
607

608 **(3) EXEMPTIONS FROM HYDRAULIC PROJECT APPROVAL REQUIREMENTS**

609 (a) The installation, by hand or hand-held tools, of oyster stakes, boundary markers, or
610 property line markers does not require an HPA.

611 (b) The act of driving across an established ford does not require an HPA. Driving across
612 streams or on wetted streambeds at areas other than established fords requires an
613 HPA. However, work within the ordinary high water line of state waters to construct
614 or repair a ford or crossing requires an HPA.

615 (c) A person conducting a remedial action under a consent decree, order, or agreed
616 order under chapter 70.105D.090 RCW, and the department of ecology when it
617 conducts a remedial action, are exempt from the procedural requirements of
618 chapter 77.55 RCW. The department of ecology must ensure compliance with the
619 substantive provisions of chapter 77.55 RCW.

620 (d) A landscape management plan approved by the department and the department of
621 natural resources under RCW 76.09.350(2) serves as an HPA for the life of the plan if
622 fish are one of the public resources covered under the plan.

623 (e) The removal of derelict fishing gear does not require an HPA if a person removes the
624 gear according to the guidelines described in RCW 77.12.865.

625 (f) An activity conducted solely for the removal or control of Spartina does not require
626 an HPA.

627 (g) An activity conducted solely for the removal or control of purple loosestrife
628 performed with handheld tools, handheld equipment, or equipment carried by a
629 person does not require an HPA.

- 630 (h) The removal of crab and other shellfish gear does not require an HPA if a person
631 removes the gear under a permit issued under RCW 77.70.500.
- 632 (i) The department may not require an HPA for the maintenance, repair or replacement
633 of a fishway on a tide gate, floodgate, or other associated man-made agricultural
634 drainage facilities if such a fishway was not originally installed as part of an
635 agricultural drainage system in existence on or before May 20, 2003.
- 636 (j) Installation or removal of a portable boat hoist in a lake does not require an HPA,
637 provided it:
- 638 (i) Is not permanently installed;
- 639 (ii) Does not have armoring or other structures installed for a foundation or
640 protection;
- 641 (iii) Is not installed or removed using equipment operated below the ordinary high
642 water line;
- 643 (iv) Is not installed at the inlet or outlet of any stream;
- 644 (v) Does not require any dredging, filling, pile driving, or any other bed
645 modifications during installation or removal;
- 646 (vi) Is not modified during or after installation by the addition of docks, ramps,
647 floats, or other structures that add surface area to the hoist or allow for
648 moorage of additional watercraft; and
- 649 (vii) Is not installed in any of the following sockeye-bearing lakes:
- 650 A. Baker
- 651 B. Osoyoos
- 652 C. Ozette
- 653 D. Pleasant
- 654 E. Quinalt
- 655 F. Sammamish
- 656 G. Washington
- 657 H. Wenatchee
- 658 (k) No HPA is required for the installation, maintenance, or removal of scientific
659 instruments provided:

- 660 (i) A person conducts all work waterward of the ordinary high water line by hand or
661 with hand-held tools,
- 662 (ii) The project does not create a blockage to fish passage, even temporarily, and
- 663 (iii) The project does not include dewatering the worksite, placement of fill or
664 concrete, or excavation or grading of the streambed or bank.
- 665 (iv) Examples of scientific instruments include staff gages, tide gages, water
666 recording devices, water quality testing and improvement devices, and similar
667 structures.
- 668 (l) Forest practices, as defined in chapter [76.09](#) RCW, do not require an HPA provided:
- 669 (i) They are conducted under an approved forest practices application or
670 notification issued by the department of natural resources;
- 671
- 672 (ii) They are conducted in or across type Np or Ns waters as defined in WAC [222-16-](#)
673 [030](#) (Type 4 or Type 5 Waters, respectively, as defined in WAC [222-16-031](#)); and
674
- 675
- 676 (iii) They are not conversion activities as defined in WAC 222-16-010.

677 *Note: Subsection (l) will change to reflect changes to RCW 77.55 concerning forest*
678 *practices once DNR and DFW adopt new rules to implement.*

679

680 **220-110-060 Procedures—hydraulic project approvals**

681

682 **(1) DESCRIPTION**

683

684 There are four categories of HPAs: standard, emergency, expedited, and pamphlet.
685 Most HPAs issued by the department are standard HPAs. The department can issue a
686 standard HPA, except those issued under Chapter 77.55.021(5c) RCW Perpetual
687 Agriculture, for up to five years. There are several types of standard HPAs: individual,
688 multi-site, general, simplified, fish habitat enhancement, perpetual agriculture and
689 chronic danger. These are more details about standard HPAs in this chapter.

690

691 The governor, county legislative authority or the department can declare an emergency
692 when there is an immediate threat to property, life or the environment from weather,
693 stream flow conditions or other natural conditions. An applicant can get an immediate
694 verbal or written approval from the department for work necessary to ease the
695 emergency.

696

697 The department will issue an expedited HPA when there is an imminent danger to
698 property, life or the environment. Imminent danger means a threat by weather, water
699 flow, or other natural conditions is likely to occur within sixty days. Either the county
700 legislative authority or the department can make an imminent danger declaration. The
701 department can also issue an expedited HPA if “normal” permit processing will result in
702 a significant hardship for the applicant or unacceptable damage to the environment.

703

704 A pamphlet is a written HPA issued in a booklet form. Currently there are two pamphlet
705 HPAs; Gold and Fish and Aquatic Plants and Fish. The department develops and adopts
706 rules for the pamphlet HPAs through the formal rule-making process. The pamphlet
707 includes technical guidance. The permittee must follow the provisions in the pamphlet.
708 If they cannot, they can apply for a standard HPA.

709

710 **(2) FISH LIFE CONCERNS**

711 Construction activities in or near the water can kill fish or shellfish directly. More
712 importantly, these activities can also alter the habitat that fish and shellfish depend on.
713 Direct damage or loss of habitat results in direct loss of fish and shellfish production.
714 Direct killing of fish or shellfish is usually a one-time loss. Damaged habitat, however,
715 can continue to cause lost production of fish and shellfish for as long as the habitat
716 remains altered. HPAs protect fish, shellfish and their habitat from the adverse affects
717 of construction activities.

718 **(3) EMERGENCY HYDRAULIC PROJECT APPROVAL S**

719

- 720 (a) The governor, county legislative authority, county legislative authority designee or
721 department may declare an emergency or continue an existing declaration of an
722 emergency where there is an immediate threat to life, the public, property, or of
723 environmental degradation. A declared state of emergency by the governor under
724 RCW 43.06.010 constitutes a declaration under this subsection.
- 725 (b) The county legislative authority or they designee must notify the department, in
726 writing, if they declare an emergency. In cases of immediate danger, the department
727 must issue an emergency HPA, upon request, for repair or replacement of a stream
728 crossing, or work to remove any obstructions, repair existing obstructions, restore
729 streambanks, protect fish life, or protect property threatened by a stream or a
730 change in stream flow because of the emergency. If the department makes an
731 emergency declaration, it must notify the county.
- 732 (c) Before starting emergency work, the applicant or authorized agent must obtain oral
733 or written approval from the department. The department must issue a written HPA
734 documenting the exact conditions of the oral approval within thirty days. The
735 provisions of chapter 43.21C RCW, are not required for emergency HPAs.
- 736 (d) An applicant or authorized agent, if one is acting for the applicant, may request an
737 HPA authorizing a hydraulic project in response to a qualifying emergency. During
738 business hours, the applicant or authorize agent may request an emergency HPA
739 orally or in writing from the biologist who issues HPAs for the geographic area where
740 the emergency is located. After business hours, the applicant or authorized agent
741 must contact the emergency hotline at (360) 902-2537 to request an emergency
742 HPA. A complete written application is not required.
- 743
- 744 (e) Upon the declaration of an emergency, if requested to do so, the department must
745 grant oral approval immediately for repair or replacement of a stream crossing, or
746 work to remove any obstructions, repair existing obstructions, restore streambanks,
747 protect fish life, or protect property threatened by a stream or a change in stream
748 flow because of the emergency.
- 749 (f) An applicant may defer immediate issuance of an emergency HPA to allow the
750 department to provide technical assistance or to issue a written HPA provided the
751 conditions constituting the emergency persist at the time the project begins.
752 However, the department must issue the emergency HPA within the timeframe
753 specified by the applicant.

754 **(4) EXPEDITED HYDRAULIC PROJECT APPROVALS**

- 755
- 756 (a) The county legislative authority, county legislative authority designee or the
757 department may determine if an imminent danger exists. The county legislative
758 authority or their designee must notify the department, in writing, if it determines

759 that an imminent danger exists. In cases of imminent danger, the department must
760 issue an expedited HPA, upon request, for work to remove any obstructions, repair
761 existing structures, restore banks, protect fish life, or protect property. If the
762 department makes an imminent danger declaration, it must notify the county.

763 (b) The department may issue an expedited written HPA in those instances where
764 normal processing would result in significant hardship for the applicant,
765 unacceptable environmental damage would occur, or in the case of imminent
766 danger.

767 (c) Imminent danger means threat by weather, water flow, or natural conditions are
768 likely to occur within the next sixty days.

769 (d) The provisions of chapter 43.21C RCW are not required for expedited HPAs.

770 **(5) PAMPHLET HYDRAULIC PROJECT APPROVAL**

771 (a) A person must obtain a pamphlet HPA before conducting the authorized hydraulic
772 project.

773 (b) The applicant or authorized agent, if one is acting for the applicant, may submit
774 requests for a pamphlet HPA to the department either verbally or in writing.
775 Pamphlet HPAs are also available on the department's website.

776 (c) The department may only grant exceptions to a pamphlet HPA if the applicant, or
777 authorized agent applies for a standard individual HPA for the project.

778 (d) When a pamphlet HPA is required, the permittee must have the pamphlet HPA on
779 the job site when they are conducting work and immediately available for inspection
780 by the department upon request.

781 (e) The permittee, equipment operator(s) and other individuals conducting the project
782 must follow all provisions of the pamphlet HPA.

783

784 **(6) CHRONIC DANGER H HYDRAULIC PROJECT APPROVALS**

785

786 (a) The county legislative authority must notify the department, in writing, when it
787 determines that a chronic danger exists. The department must issue a chronic
788 danger HPA, upon request, for work necessary to abate the chronic danger. This
789 work may include removal of obstructions, repair of existing structures, restoring
790 banks, restoring road or highway access, protecting fish resources, or protecting
791 property.

792

793 (b) Application submittal and processing requirements for chronic danger HPAs are the
794 same as for other non-expedited or non-emergency HPAs, except that applications

795 for chronic danger HPAs must also satisfy the requirements for fish habitat
796 enhancement projects identified in RCW 77.55.181.

797 **(7) FISH HABITAT ENHANCEMENT PROJECT HYDRAULIC PROJECT APPROVALS**

798
799 (a) The department must reject a fish habitat enhancement project proposed under
800 RCW 77.55.181 if the local government raises concerns during the comment period.
801 The department must also reject the project if the department determines it cannot
802 mitigate public health and safety concerns by conditioning the HPA because of the
803 size and scale of the project. The department must provide written notice of
804 rejection to the applicant and local government in writing within twenty days of
805 receiving the application if project is inappropriate for streamlined processing.

806 (b) If the department rejects a fish habitat enhancement project proposed under RCW
807 77.55.181, the applicant or authorized agent, if one is acting for the applicant, can
808 submit additional information required for streamline processing. If they want the
809 department to accept the submitted application for standard HPA processing they
810 must provide written notice to the department or they can submit a new complete
811 written application for standard processing.

812 **(8) SIMPLIFIED HYDRAULIC PROJECT APPROVALS**

813
814 (a) The department may establish a simplified HPA application and permitting process
815 for qualifying hydraulic projects. To qualify projects must:

816 (i) Have risks to fish life that are expected to last less than one year and are fully
817 mitigated by the technical provisions established in chapter 220-110 WAC;

818 (ii) Be located in areas of low resource risk, or be of such low risk to fish life that
819 they can be permitted in high priority habitat;

820 (iii) Be a low complexity project that minimizes misinterpretation of the HPA
821 provisions, and therefore can be permitted without site-specific conditions;

822 (iv) Be readily described and understood with any combination of words, plans,
823 pictures, and graphics;

824 (v) Be inspected with sufficient frequency and certainty, either during or after
825 construction, to ensure compliance;

826 (vi) Meet all of the eligibility requirements described in the application; and,

827 (vii) Be completed in a single work season to avoid habitat impacts due to a
828 potentially unstable worksite.

829

- 830 (b) The department must grant simplified HPAs to all projects that meet the project
831 eligibility requirements and for which it receives a complete written application. If
832 necessary to confirm project eligibility, the department may conduct a site visit prior
833 to approving or rejecting an application for simplified HPA.
834
- 835 (c) The department must reject applications for simplified HPAs in cases where:
- 836 (i) The plans and specifications for the project are insufficient to show that fish
837 life will be protected;
- 838 (ii) The applicant or authorized agent, if one is acting for the applicant, does not
839 fill out the application correctly;
- 840 (iii) The proposed project does not meet the eligibility requirements described in
841 the project application; or
- 842 (iv) The potential impacts from the project pose a high risk to high priority fish
843 habitats and therefore require compensatory mitigation.
- 844 (d) The department must provide written notice of application rejection to the
845 applicant. An applicant may resubmit the application to the department for standard
846 application processing under this section, or they may submit a new simplified
847 application if the department rejected the application because the applicant did not
848 fill out the original application correctly.

849 **(9) APPLICATION REQUIREMENTS**

- 850
- 851 (a) A person must submit a complete written application to the department to obtain
852 an HPA unless the project qualifies for one of the following:
- 853 (I) A pamphlet HPA (WAC 220-110-050 (3))
- 854 (II) An emergency HPA (WAC 220-110-050 (5))
- 855 (III) A minor modification of an existing HPA (WAC 220-110-050 (16))
- 856 (b) A person can submit any of the following application forms to the department when
857 applying for an HPA:
- 858 (I) The current version of a joint aquatic resources permit application;
- 859 (II) The current version of a joint aquatic resources permit application, including the
860 most recent version of the application for streamlined processing of fish habitat
861 enhancement projects, if applying for streamlined processing under RCW
862 77.55.181;

- 863 (III) The most recent version of a simplified HPA application form developed by the
864 department, if applying for a simplified HPA for qualifying projects under
865 subsection (8) of this section;
- 866 (IV) A forest practice application submitted to and published by the department of
867 natural resources, if the hydraulic project is part of a forest practice as defined in
868 WAC 222-16-010; or
- 869 (V) A public notice under section 10 of the rivers and harbors act of 1899 or section
870 404 of the clean water act circulated by the United States Army Corps of
871 Engineers or United States Coast Guard.
- 872 (c) A complete application package for an HPA must contain:
- 873 (i) A completed application form for an HPA that is signed and dated by the
874 applicant, landowner or landowner representative, and the authorized agent, if
875 one is acting for the applicant;
- 876 (ii) Written acknowledgment by the landowner or landowner representative of the
877 proposed project;
- 878 (iii) General plans for the overall project;
- 879 (iv) Complete plans and specifications for all aspects of the hydraulic project that will
880 use, divert, obstruct, or change the natural flow or bed of any of the salt or
881 freshwaters of the state;
- 882 (v) Complete plans and specifications for the proper protection of fish life, including
883 any reports assessing impacts to fish life and plans to mitigate those impacts;
- 884 (vi) A copy of the written notice from the lead agency of compliance with any
885 applicable requirements of the State Environmental Policy Act, chapter 43.21C
886 RCW, unless otherwise provided for in chapter 77.55 RCW; or a declaration by
887 the applicant that the project qualifies for a specific categorical exemption under
888 Chapter 197-11 WAC; and,
- 889 (vii) Written approval, if proposing a fish enhancement project, by one of the entities
890 specified in RCW 77.55.181 (b).
891
- 892 (viii) A one hundred and fifty dollar fee application fee unless the project is one of
893 following project types exempt from the application fee:
894
- 895 (A) Pamphlet permits
896 (B) Mineral prospecting
897 (C) Forest practices

- 898 (D) Projects on farm and agricultural land, as that term is defined in RCW
899 84.34.020
- 900 (E) Projects reviewed by a department biologist on contract with the applicant
- 901 (F) Projects applied for prior to July 10, 2012, and modifications of permits
902 issued to those projects
- 903 (G) Projects and work conducted wholly above the ordinary high water line
- 904 (d) The applicant, or authorized agent, if one is acting for the applicant, must submit the
905 complete application package to the Habitat Program's Olympia headquarters office,
906 unless applying for a hydraulic project that is part of a forest practice as defined in
907 WAC 222-16-010.
- 908 (i) Application documents must be mailed to the Department of Fish and Wildlife,
909 PO Box 43234, Olympia, Washington 98504-3234; e-mailed to
910 HPAapplications@dfw.wa.gov; faxed to 360-902-2946; uploaded to a file
911 transfer protocol site acceptable to the department, or hand-delivered to the
912 Natural Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth
913 floor. The department will not accept applications submitted elsewhere or by
914 third parties.
- 915 (ii) For a forest practices hydraulic project as defined in WAC 222-16-010, the
916 applicant or authorized agent must submit a forest practice application to the
917 department of natural resources.
- 918 (iii) Document dimensions may not be greater than eleven inches by seventeen
919 inches.
- 920 (iv) If an applicant or authorized agent submits an application with 30 or more pages
921 to the department by mail or hand delivery, they must also submit digital files of
922 all application materials. All digital files must be on a CD, DVD, or other
923 electronic storage media in formats compatible with Microsoft Word, Microsoft
924 Excel, or Microsoft Access programs or in PDF, TIFF, JPEG, or GIF formats.
- 925 (e) The department must declare applications submitted to the Habitat Program during
926 normal business hours received on the date submitted. The department must
927 declare applications submitted to Habitat Program after normal business hours
928 received on the next business day. The department must declare forest practice
929 applications received on the date that the department of natural resources
930 publishes the application on its forest practices application review system website.

931 **(10) INCOMPLETE APPLICATIONS**

- 932
- 933 (a) The department must determine within ten days of receipt of the application
934 whether the application meets the requirements of this section. If the department
935 determines the application does not meet the requirements, the department deems

936 the application incomplete. The department must provide written notification of an
937 incomplete application to the applicant or authorized agent. This written notification
938 must include a description of information necessary to make the application
939 complete. The department may return the incomplete application to the applicant
940 or authorized agent, or hold the application on file until it receives the necessary
941 information. The department must not process the application until it receives the
942 information needed to complete the application.

943 (b) The applicant or authorized agent must submit additional information in response to
944 a written notification of incomplete application to the Habitat Program's Olympia
945 headquarters office. The request must be mailed to the Department of Fish and
946 Wildlife, PO Box 43234, Olympia, Washington 98504-3234; e-mailed to
947 HPAapplications@dfw.wa.gov; faxed to 360-902-2946; uploaded to a file transfer
948 protocol site acceptable to the department, or hand-delivered to the Natural
949 Resources Building, 1111 Washington Street S.E., Habitat Program, Fifth floor. The
950 department will not accept additional information submitted elsewhere or by third
951 parties.

952 (c) The department may not process any application that has been incomplete for more
953 than two years. The department must provide the applicant with written notification
954 at the time of application expiration. The applicant or authorized agent must submit
955 a new application to receive further consideration of the project.

956 **(11) APPLICATION REVIEW PERIOD**

957 (a) Prior to approving applications for new hydraulic projects, the department must
958 provide to tribes, and local, state and federal permitting agencies, a seven-day
959 review and comment period from the date the application is received by the
960 department. The department may issue HPA permits prior to the end of the review
961 period only if all interested tribes and agencies have provided comment to the
962 department. The department must consider all written comments received when
963 issuing or conditioning the HPA. The review period is concurrent with the
964 department's overall review period. Emergency, expedited, and modified HPAs are
965 exempt from the review period requirement.

966 (b) Except for simplified HPAs, expedited HPAs, and emergency HPAs, the department
967 must grant or deny approval within forty-five calendar days of the receipt of a
968 complete written application. The department must approve or reject applications
969 for simplified HPAs within twenty days of receipt of a complete written application.
970 The department must grant approval of expedited HPAs within fifteen days of the
971 receipt of a complete written application, and must grant approval of emergency
972 HPAs immediately upon request.

973 **(12) SUSPENDING THE REVIEW PERIOD**

- 974 (a) An applicant or authorized agent may request a delay in processing an HPA. The
975 applicant or authorized agent must submit a written request for the delay to the
976 Habitat Program's Olympia headquarters office. The request must be mailed to the
977 Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia,
978 Washington 98501-1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-
979 902-2946; or hand-delivered to the Natural Resources Building, 1111 Washington
980 Street S.E., Habitat Program, Fifth floor. The department may not accept delay
981 requests submitted elsewhere or by third parties.
- 982 (b) If the department suspends the forty-five day review period, the department must
983 immediately notify the applicant in writing of the reasons for the delay. The
984 department must suspend the forty-five day period if:
- 985 (i) The site is physically inaccessible for inspection;
- 986 (ii) The applicant or authorized agent, if one is acting for the applicant, remains
987 unavailable or unable to arrange for a timely field evaluation of the
988 proposed project after ten working days of the department's receipt of the
989 application;
- 990 (iii) The applicant or authorized agent submits a written request for a delay;
- 991 (iv) The department is issuing a permit for a storm water discharge and is
992 complying with the requirements of this section, or
- 993 (v) The department is reviewing the application as part of a multiagency permit
994 streamlining effort, and all participating permitting agencies and the permit
995 applicant agree to an extended timeline longer than forty-five calendar
996 days.
- 997 (c) The department may not process any application delayed for processing more than
998 two years for any of the reasons identified in subsection (6) (a) or (b). The
999 department must provide the applicant with written notification at the time of
1000 application expiration. The applicant or authorized agent must submit a new
1001 application to receive further consideration of the project.

1002 **(13) ISSUING OR DENYING A HYDRAULIC PROJECT APPROVAL**

- 1003 (a) Protection of fish life is the only grounds upon which the department may deny or
1004 condition an HPA. The department may not unreasonably withhold or condition
1005 approval of a permit. The HPA conditions must reasonably relate to the project, and
1006 must ensure that the project provides proper protection for fish life. The
1007 department may not impose conditions that attempt to optimize conditions for fish
1008 life that are out of proportion to the impact of the proposed project.

- 1009 (b) The department may place specific time limitations on project activities in an HPA to
1010 protect fish life. The HPA may contain provisions that allow for minor modifications
1011 to the required work timing without requiring the reissuance of the permit. Minor
1012 modifications to the required work timing means a minor deviation from the timing
1013 window set forth in the HPA when there are no spawning or incubating fish present
1014 within the vicinity of the project.
- 1015 (c) The department may require the permittee to notify the department prior to the
1016 start of construction, upon project completion, or at other times while the permit is
1017 in effect that the department deems necessary. The department may also require
1018 the permittee to provide periodic written reports to assess permit compliance.
- 1019 (d) The HPA must contain provisions that allow for minor modifications to the plans and
1020 specifications of the project without requiring the reissuance of the permit provided
1021 the modifications do not adversely affect fish life.
- 1022 (e) An applicant or authorized agent must propose or conduct a hydraulic project under
1023 an environmental excellence program agreement authorized under chapter 43.21K
1024 RCW. These projects must be must be applied for and permitted under the
1025 requirements of chapter 43.21K.
- 1026 (f) The department may not deny a chronic danger HPA, an expedited HPA, or an
1027 emergency HPA. The department must deny any other type of HPA or change to an
1028 existing HPA when, in the judgment of the department, the project will result in
1029 direct or indirect harm to fish life, unless adequate mitigation can be assured by
1030 conditioning the HPA or modifying the proposal. If the department denies approval,
1031 the department must provide the applicant a written statement of the specific
1032 reasons why and how the proposed project would adversely affect fish life.
- 1033 **(14) HYDRAULIC PROJECT APPROVAL EXPIRATION TIME PERIODS**
- 1034 (a) Except for expedited, emergency, and pamphlet HPAs, the department may grant
1035 HPAs for a period of up to five years.
- 1036 (b) The department must grant expedited HPAs for a period of up to sixty days, and
1037 emergency HPAs for the expected duration of the emergency hydraulic project.
- 1038 (c) Pamphlet HPAs remain in effect indefinitely until modified or rescinded by the
1039 department.
- 1040 (d) The following types of agricultural hydraulic project HPAs remain in effect without
1041 the need for periodic renewal; however, the permittee must notify the department
1042 before commencing work each year.
- 1043 (i) Seasonal work that diverts water for irrigation or stock watering purposes; and

1044 (ii) Stream-bank stabilization projects to protect farm and agricultural land if the
1045 problem causing the erosion occurs on an annual or more frequent basis as
1046 demonstrated by the applicant. Evidence of erosion may include, but is not
1047 limited to, history of permit application, approval, or photographs. Periodic
1048 floodwaters by themselves do not constitute a problem that requires an HPA.

1049 **(15) HPA COMPLIANCE**

1050 (a) The permittee, equipment operator(s) and other individuals conducting the project
1051 must follow all provisions of the HPA.

1052 (b) During construction, the written HPA and any attachments referenced in it, or a
1053 clear reproduction, must be on the project site and immediately available for
1054 inspection by the department.

1055 **(16) REQUESTING A TIME EXTENSION, RENEWS OR MODIFICATION OF A HYDRAULIC**
1056 **PROJECT APPROVAL**

1057 (a) The applicant or authorized agent may request time extensions, renewals or
1058 modifications of existing HPAs. The applicant or authorized agent must submit a
1059 written request prior to the expiration of the HPA to the Habitat Program's Olympia
1060 headquarters office or to the biologist that signed the HPA. Written requests must
1061 include the name of the applicant, the name of the authorized agent, if one is acting
1062 for the applicant, the control number of the HPA, the date issued, the permitting
1063 biologist, the requested changes to the HPA, the reason for the requested change,
1064 the date of the request, and the requester's signature.

1065 (b) The applicant or authorized agent, if one is acting for the applicant, must submit
1066 requests for other than minor modifications to the plans, specifications, or timing to
1067 the department's headquarters office. The request must be mailed to the
1068 Department of Fish and Wildlife, PO Box 43234, Olympia, Washington 98504-3234;
1069 e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-2946; or hand-
1070 delivered to the Natural Resources Building, 1111 Washington Street S.E., Habitat
1071 Program, Fifth floor. The department may not accept delay requests submitted
1072 elsewhere or by third parties.

1073 (c) The department must declare requests for time extensions, renewals, or
1074 modifications of HPAs submitted during normal business hours received on the date
1075 submitted. The department must declare requests submitted after normal business
1076 hours received on the next business day.

1077 (d) The department must approve or deny the request for a time extension, renewal, or
1078 modification of an HPA within the same review period as the original HPA.

1079 (e) An applicant can request a modification or renewal of an emergency until the
1080 emergency declaration authorizing them expires or is rescinded.

1081 (f) The department must not modify or renew an HPA beyond the applicable five year
1082 or sixty day periods. The applicant or authorized agent must submit a new
1083 application for a project needing further authorization beyond these time periods.

1084 (g) Department will issue a written HPA if the request is approved.

1085 **(17) MODIFICATIONS OF A HYDRAULIC PROJECT APPROVAL BY THE DEPARTMENT**

1086 (a) After consultation with the permittee, the department may modify an HPA due to
1087 changed conditions. The modification becomes effective immediately upon issuance
1088 of a new HPA unless appealed to the department or the pollution control hearing
1089 board as specified in WAC 220-110-460 and 220-110-470.

1090 (b) For hydraulic projects that divert water for agricultural irrigation or stock watering
1091 purposes, or when the hydraulic project or other work is associated with
1092 streambank stabilization to protect farm and agricultural land as defined in RCW
1093 84.34.020, the burden is on the department to show that changed conditions
1094 warrant the modification in order to protect fish life.

1095 **(18) REQUESTING A TRANSFER OF A HYDRAULIC PROJECT APPROVAL**

1096 (a) The original and new permittee or their authorized agents must submit a written
1097 request to the department requesting a transfer of an HPA. The request must
1098 include:

1099 (i) The HPA number;

1100 (ii) Signatures and dates of signatures of both parties; and,

1101 (iii) A statement that the new permittee agrees to be bound by the conditions in the
1102 HPA.

1103 (b) If (a) through (c) of this subsection cannot be met the new permittee must submit a
1104 new application to the department.

1105 (c) The applicants or authorized agents must submit the transfer request to the Habitat
1106 Program's Olympia headquarters office. The request must be mailed to the
1107 Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia,
1108 Washington 98501-1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-
1109 902-2946; or hand-delivered to the Natural Resources Building, 1111 Washington
1110 Street S.E., Habitat Program, Fifth floor. The department may not accept requests
1111 submitted elsewhere or by third parties.

1112 (d) The department must approve or deny the transfer request within the same review
1113 period as the original HPA. Approvals of such requests must be in the form of a
1114 written HPA. If the department denies approval, the department must provide the

1115 applicant, in writing, a statement of the specific reason(s) why and how the
1116 proposed project would adversely affect fish life.

1117 **(19) MARINA AND MARINE TERMINAL MAINTENANCE AND STORMWATER OUTFALL**
1118 **HYDRAULIC PROJECTS**

1119 (a) The department must issue, upon request, a renewable, five-year HPA for regular
1120 maintenance activities of a marina or marine terminal provided:

1121 (I) The facility was in existence on June 6, 1996; or

1122 (II) The facility received a permit for its initial construction.

1123 (b) Regular maintenance activities are only those necessary to restore the marina or
1124 marine terminal to the conditions approved in the initial HPA, including, but not
1125 limited to, dredging, piling replacement, and float replacement. The maintenance
1126 HPA must include a requirement that the permittee or authorized agent give the
1127 department fourteen-days notice before regular maintenance activities begin. The
1128 applicant or authorized agent must submit a complete written application as
1129 provided in this section to request this HPA.

1130 (c) HPAs issued in locations covered by a national pollution discharge elimination
1131 system municipal storm water general permit may not be conditioned or denied for
1132 water quality or quantity impacts arising from storm water discharges. An HPA is
1133 required only for the actual construction of any storm water outfall or associated
1134 structures.

1135 (d) In locations not covered by a national pollution discharge elimination system
1136 municipal storm water general permit, the department may issue HPAs that contain
1137 provisions that protect fish life from adverse effects resulting from the direct
1138 hydraulic impacts of the discharge.

1139 (e) Prior to issuing an HPA under this subsection, the department must:

1140 (i) Make a finding that the discharge from the outfall will cause harmful effects to
1141 fish life;

1142
1143 (ii) Transmit the findings to the applicant and to the city or county where the project
1144 is being proposed; and

1145
1146 (f) Allow the applicant an opportunity to use local ordinances or other mechanisms to
1147 avoid the adverse effects resulting from the direct hydraulic discharge. The forty-five
1148 day requirement for permit issuance is suspended during the time period the
1149 department is meeting the requirements of this subsection

1150 (g) After following the procedures in of this subsection, the department may issue an
1151 HPA that prescribes the discharge rates from an outfall structure to prevent adverse
1152 effects to the bed or flow of state waters. The department may recommend, but not
1153 specify, the measures required to meet these discharge rates. The department may
1154 not require changes to the project design above the mean higher high water line of
1155 marine waters, or the ordinary high water line of freshwaters of the state.

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1156 **220-110-070 Permit consolidation**

1157

1158 **(1) DESCRIPTION**

1159

1160 Local, state and federal agencies may have jurisdiction over the same project. At each
1161 jurisdictional level, priorities and legal mandates determine the resources protected and
1162 the extent of the protection that is applied. Mitigation requirements also vary according
1163 to the agencies' protection priorities and legal mandates. As a result, regulatory efforts
1164 may share intentions or have entirely different protection objectives. The department
1165 concluded that some permits issued by state and federal agencies might properly
1166 protect fish life in some instances. To reduce regulatory duplication, the department will
1167 review the regulatory requirements of these permits. If the requirements properly
1168 protect fish life, the department will not require a person to obtain an individual HPA.

1169

1170 **(2) FISH LIFE CONCERNS**

1171 The hydraulic project approval is the only permit issued solely for the protection of fish
1172 life. If the department relies on another jurisdiction's permit to protect fish life, it is our
1173 responsibility to make sure the permit satisfies our regulatory requirements. The
1174 department cannot enforce the regulatory requirements of other permits so the
1175 department cannot seek penalties for any harm to fish life that results from non-
1176 compliance with other permits.

1177 **(3) GENERAL REQUIREMENTS**

1178 (a) A person proposing to conduct a hydraulic project authorized by any of the following
1179 permits may request department review to determine if the permit complies with
1180 the substantive requirements of this chapter:

1181 (i) A Regional General Permit issued by the United States Army Corps of Engineers.

1182 (ii) An individual Section 401 Water Quality Certification issued by Washington
1183 Department of Ecology for a maintenance and repair hydraulic project.

1184 (iii) An Individual Section 404 permit issued by the United States Army Corps of
1185 Engineers for a maintenance and repair hydraulic project.

1186 (iv) A National Pollutant Discharge Elimination System (NPDES) individual permit
1187 issued by Washington Department of Ecology for a maintenance and repair
1188 hydraulic project.

1189 (v) A NPDES general permit issued by Washington Department of Ecology for a
1190 maintenance and repair hydraulic project.

1191 **(4) APPLICATION PROCESS**

1192 (a) A person requesting review under subsection (3) above must submit to the
1193 department the following:

1194 (i) A copy of the permit.

1195 (ii) A copy of the plans and specifications approved in the permit.

1196 (iii) The application form accepted the department.

1197 **(5) APPLICATION PROCESSING**

1198 (a) The department has forty-five calendar days upon receipt of the complete request
1199 to determine if the permit complies with the substantive requirements of this
1200 chapter.

1201 (b) If the permit complies with the substantive requirements of this chapter, the
1202 department may exempt the project from a hydraulic project approval. The
1203 department must provide the applicant a written statement of its decision and must
1204 include the specific reasons why the proposed project does or does not qualify for
1205 exemption from the need to obtain a hydraulic project approval.

1206 (c) If a permit does not meet the substantive requirements of this chapter, a person
1207 may reapply for approval under the standard review and approval process in this
1208 chapter.

1209 **220-110-080 Hydraulic Project approval and Forest Practices Act**
1210 **Integration**

1211
1212 **(1) DESCRIPTION**

1213
1214 **(2) FISH LIFE CONCERNS**

1215
1216 **(3) CONCURRENCE REVIEW PROCESS**

1217
1218 Placeholder

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1219 **220-110-090 Changes to hydraulic project approval requirements**

1220

1221 **(1) DESCRIPTION**

1222 The intent of chapter 220-110 WAC is to protect fish life from predictable impacts that
1223 may result from hydraulic projects. If the requirements listed in chapter 220-110 WAC
1224 cannot fully protect fish life from project or site-specific impacts, the department must
1225 modify, delete or add hydraulic project approval requirements.

1226 **(2) CHANGES TO HYDRAULIC PROJECT APPROVAL REQUIREMENTS**

1227 (a) The department may modify or delete technical provisions in chapter 220-110 WAC
1228 when any of the following is demonstrated:

1229 (i) There is no logical application to a project;

1230 (ii) The applicant provides an alternative plan to the provision that demonstrates
1231 that it provides equal or greater protection for fish life;

1232 (iii) Enforcement of the provision will result in denial of an HPA and there is
1233 adequate mitigation to allow the project. The modification or deletion of the
1234 provision will not cause a loss of or injury to fish or shellfish or the loss or
1235 permanent degradation of the habitat that supports fish and shellfish
1236 populations

1237 (iv) The proposal is part of an approved clean-up action under Model Toxics Control
1238 Act; Comprehensive Environmental Response Compensation and Liability Act; or
1239 Superfund Amendment and Reauthorization Act; or

1240 (v) The technical provisions conflict with applicable local, state, or federal
1241 regulations that provide proper protection for fish life.

1242 (b) The department may add provisions to protect fish life needed to address project or
1243 site-specific impacts not adequately addressed by the technical provisions in 220-
1244 110 WAC. However, all provisions must relate to the project and be proportional to
1245 the impact of the project.
1246

1247 **220-110-100 General mitigation requirements for hydraulic project**
1248 **approvals**

1249 All projects must meet all of the requirements in WAC 220-110-090 – General mitigation
1250 requirements for the issuance of all HPAs, and any requirements in WAC 220-110-100 through
1251 220-110-450 that apply to the specific project.

1252
1253 **(1) DESCRIPTION**

1254
1255 Generally, mitigation is an action taken to lessen the impact of another action. The
1256 department defines mitigation as actions that must be required or recommended to
1257 avoid, minimize, rectify, reduce or compensate for impacts to fish, wildlife, or habitat
1258 from the proposed project activity. The department mitigates impacts to fish life from
1259 construction work through the application of the Hydraulic Code.

1260
1261 **(2) FISH LIFE CONCERNS**

1262
1263 Most work in or near water can negatively impact fish life. Best practices like proper
1264 design and siting, construction timing, isolation of the work area, sediment and erosion
1265 control planning, water-quality management, and revegetation can avoid and minimize
1266 many of these impacts. However, remaining impacts require compensation to avoid
1267 loss of fish habitat function, value and area.

1268
1269 **(3) MITIGATION REQUIREMENTS**

1270
1271 (a) WDFW must determine the project impact, significance of impact, and amount of
1272 mitigation required to achieve no net loss based on the best available information.

1273
1274 (b) All work subject to chapter 220-110 WAC must achieve no net loss through a
1275 sequence of mitigation actions.

1276
1277 (c) Mitigation includes all of the mitigation actions in the mitigation sequence. The
1278 department and the applicant must consider and implement mitigation actions in
1279 the following sequential order of preference:

1280 (i) Avoid the impact altogether by not taking a certain action or parts of an action.

1281
1282 (ii) Minimize impacts by limiting the degree or magnitude of the action and its
1283 implementation by using appropriate technology or by taking affirmative steps
1284 to avoid or reduce impacts.

1285

- 1286 (iii) Rectify the impact by repairing, rehabilitating, or restoring the affected
1287 environment.
1288
- 1289 (iv) Reduce or eliminate the impact over time by preservation and maintenance
1290 operations during the life of the action.
1291
- 1292 (v) Compensate for remaining impacts by replacing, enhancing, or providing
1293 substitute resources or environments. The department will consider use of
1294 credits from a mitigation bank or in-lieu fee program as a form of compensation
1295 only after the standard sequencing of mitigation (avoid, minimize, rectify,
1296 reduce/eliminate and then compensate) has occurred. These credits must
1297 benefit the same fish stocks as those impacted by the hydraulic project.
1298
- 1299 (vi) Monitor the impact and the compensation projects and taking appropriate
1300 corrective measures.
1301
- 1302 (d) The department may require advanced compensatory mitigation for projects with
1303 potentially significant impacts.
1304

1305 **(4) COMPENSATORY MITIGATION**
1306

- 1307 (a) Compensatory mitigation is not required if the work will cause no adverse impacts.
1308
- 1309 (b) The department must determine compensatory mitigation actions needed to offset
1310 impacts remaining after avoidance, minimization, rectification, reduction and
1311 elimination mitigation actions.
1312
- 1313 (c) When compensatory mitigation is necessary to offset impacts, the department will
1314 first consider compensatory mitigation actions that restore impacted functions on-
1315 site or immediately adjacent of the impact site. However, the department must
1316 consider alternative watershed-based mitigation if it is more cost effective and
1317 provides more benefit to the fish stock impacted by the work.
- 1318 (d) The department must base mitigation credits and debits on a scientifically valid
1319 measure of fish habitat function, value, and area. Mitigation must compensate for
1320 temporal losses, uncertainty of performance, and differences in habitat functions,
1321 types and value.
1322
- 1323 (e) The environmental baseline for purposes of calculating compensatory mitigation
1324 requirements under WAC 220-110 is habitat conditions as they exist just prior to
1325 project construction.

- 1326 (f) The department will evaluate the impacts by comparing the condition of the habitat
1327 before project construction to the expected condition of the habitat after project
1328 completion.
- 1329 (g) Maintenance and repair work does not require compensatory mitigation unless:
1330
1331 (i) The work increases the footprint of an existing structure.
1332
1333 (ii) Construction activities associated with the maintenance and repair work cause a
1334 new net loss.
1335
- 1336 (h) Rehabilitation and replacement of a structure does not require compensatory
1337 mitigation unless:
1338
1339 (i) The new design or other changes cause a new net loss.
1340
1341 (ii) Construction activities associated with the rehabilitation and replacement
1342 project cause a new net loss.
1343
- 1344 (i) Removal of a structure does not require compensatory mitigation; however, the
1345 department may require stabilization of the habitat.
1346
- 1347 (j) The department may require the applicant to submit a monitoring and evaluation
1348 plan and a contingency plan to ensure the compensatory mitigation meets the
1349 performance goals and objectives. These plans may be part of a larger mitigation
1350 plan.
1351

1352 **(5) MITIGATION PLAN**
1353

- 1354 (a) The department must require a mitigation plan for projects with significant impacts
1355 and those with ongoing, complex, and experimental mitigation actions.
1356
- 1357 (b) The department must notify the applicant in writing if a mitigation plan is required
1358 and specify what the plan must include.
1359
- 1360 (c) A mitigation plan may have all or a subset the following items:
1361
1362 (i) Description of existing (baseline) conditions
1363
1364 (ii) Description of the location and duration of the proposed work
1365

- 1366 (iii) Description of the alternatives to the proposed work, and why they are not
1367 appropriate
1368
- 1369 (iv) Identification of fish and shellfish species and habitats that the proposed work
1370 will affect
1371
- 1372 (v) Description of the nature, extent, and duration of impacts to result from the
1373 proposed work
1374
- 1375 (vi) Description of the mitigation actions the applicant will take to achieve a no net
1376 loss of fish life, habitat functions necessary to sustain fish life and habitat area by
1377 habitat type
1378
- 1379 (vii) Maps and drawings the proposed work and mitigation
1380
- 1381 (viii) Protocols, methods, and a reporting schedule for monitoring the performance
1382 of the mitigation
1383
- 1384 (ix) Monitoring needed to ensure that the mitigation goals and objectives are met
1385
- 1386 (x) Performance standards to measure whether goals are being reached
1387
- 1388 (xi) Contingency plans, including corrective actions the applicant will take if the
1389 mitigation does not meet goals and objectives
1390
- 1391 (xii) Any agreements with the department or other guarantees that the applicant
1392 will fulfill mitigation, operation and maintenance, monitoring, and contingency
1393 plans
1394

1395 **(6) MITIGATION AGREEMENT**
1396

- 1397 (a) The department must require a mitigation agreement if mitigation actions including
1398 monitoring exceed the 5-year life of a standard HPA.
1399

1400 **220-110-110 Technical provisions**

1401 Technical provisions are mitigation measures necessary to protect fish, shellfish, and their
1402 habitat. These provisions reflect best available science and practices for the protection of fish
1403 life. The department will incorporate new information as it becomes available through
1404 adaptive management of the HPA program. In addition, the department will allow alternative
1405 practices that provide equal or better protection for fish life.

1406 WACs 220-110-110 through 220-110-450 are technical provisions for hydraulic project types the
1407 department frequently approves. To protect fish life, the department may modify, delete or
1408 add requirements to mitigate project or site-specific impacts.

1409 The department may apply saltwater provisions referenced in WACs 220-110-340 through 220-
1410 110-450 to tidally influenced areas upstream of river mouths and the mainstem Columbia River
1411 downstream of the Bonneville Dam.

1412

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1413 **220-110-120 General construction requirements**

1414 WAC 220-110-110 has general construction requirements that apply to many kinds of hydraulic
1415 projects. In addition, all projects must meet the requirements in WAC 220-110-090 – General
1416 mitigation requirements for HPAs, and any requirements in WAC 220-110-120 through 220-
1417 110-450 that apply to the specific project.

1418

1419 **(1) DESCRIPTION**

1420

1421 General construction requirements apply to most hydraulic projects. They address site
1422 access, equipment operation, water quality management, revegetation and work area
1423 isolation.

1424

1425 **(2) FISH LIFE CONCERNS**

1426

1427 Construction activities can negatively affect fish life and their habitat. Some activities
1428 may kill or injure fish while others can cause behavioral changes that reduce fish growth
1429 and survival. Other activities damage the habitat fish use for spawning and egg
incubation, rearing, feeding, hiding from predators and mitigation.

1430 **(3) MINIMIZE DISTURBANCE FROM CONSTRUCTION ACTIVITIES**

1431

1432 (a) Minimize disturbance to the riparian area and waterbody.

1433 (i) Minimize the removal of riparian vegetation for access.

1434

1435 (ii) Minimize the number of temporary access roads. Use existing roadways or travel
1436 paths whenever possible.

1437

1438 (iii) Design temporary access roads to avoid creating excessive erosion.

1439

1440 (iv) Abandon and restore temporary roads in wet or flooded areas by the end of the
1441 in-water work period. Remove and restore other temporary access roads upon
1442 project completion.

1443

1444 (v) New temporary stream crossings must avoid potential spawning habitat (i.e.
1445 pool tailouts) to the maximum extent possible.

1446

1447 (vi) After project completion abandon the temporary stream crossing and restore
1448 the stream channel where necessary.

1449

1450 (vii) When practicable, keep all construction and deconstruction material storage

- 1451 landward of the OHWL.
1452
1453 (viii) Mark boundaries of clearing limits associated with site access and construction to
1454 avoid or minimize disturbance of riparian vegetation, wetlands, and other
1455 sensitive sites.
1456
1457 (ix) Remove any temporary fills in their entirety and return the affected areas to
1458 their pre-project elevation and contours.
1459
1460 (b) A person must minimize equipment-related impacts.
1461
1462 (i) Use hand tools rather than heavy equipment when practicable.
1463
1464 (ii) Establish staging areas (used for construction equipment storage, vehicle
1465 storage, fueling, servicing, hazardous material storage, etc) in a location and
1466 manner that will prevent erosion into or contamination of waters of the state.
1467
1468 (iii) Keep the use of equipment in or near the water to the minimum necessary to
1469 construct the project.
1470
1471 (iv) Operate equipment from the top of the bank, dry gravel bar, work platform, or
1472 similar out-of-water location when practicable.
1473
1474 (v) Confine the use of equipment to specific access and work corridors.
1475
1476 (vi) Check equipment daily for leaks and complete any necessary repairs prior to
1477 using the equipment around the water.
1478
1479 (vii) Backfill trenches, depressions and holes located below ordinary high water line
1480 to preproject levels prior to the inundation of the work area by water.
1481
1482 (viii) Prevent grounding, anchoring, and prop wash from vessel activity.
1483

1480 **(4) WATER QUALITY MANAGEMENT**

- 1481
1482 (a) A person must minimize erosion and sedimentation.
1483
1484 (i) When appropriate, carry out work in the dry.
1485
1486 (ii) Install erosion control methods to prevent silt-laden water from entering waters
1487 of the state and maintain them until restoration of the work area is complete.
1488 Remove temporary erosion control methods after restoration is complete.
1489

- 1490 (iii) Prior to restoring water to the work area, remove or stabilize areas of disturbed
1491 sediment with clean material sized to match undisturbed sediments.
1492
- 1493 (iv) If a person encounters high flow or high tide conditions that may cause siltation
1494 during the project, all work, except that needed to protect fish life, must stop
1495 until the water level subsides.
1496
- 1497 (v) Protect all disturbed areas from erosion. During the high flow season, October
1498 through June, soils may not remain exposed and unworked for more than 2 days.
1499 During the summer season, July through September, soils may not remain
1500 exposed and unworked for more than 7 days.
1501
- 1502 (vi) Replace damaged native herbaceous and/or woody vegetation after project
1503 completion. The department will determine planting densities and maintenance
1504 requirements for rooted stock on a site-specific basis. The department may
1505 waive the requirement to plant woody vegetation where the potential for
1506 natural revegetation is adequate, or where other engineering or safety factors
1507 preclude them.
1508
- 1509 (vii) If the department requires replanting, complete that planting at the earliest
1510 opportunity during the dormant season (late fall through late winter. Maintain
1511 plantings for three years to ensure 80 percent survival. Failure to achieve the 80
1512 percent survival in year three will require a person to submit a plan with follow
1513 up measures to achieve requirements or reasons to modify requirements.
1514
- 1515 (viii) Install fencing as necessary to prevent access to revegetated sites by livestock,
1516 wildlife or unauthorized persons until the plantings are well established.
1517
- 1518 (b) A person must prevent contaminants from entering waters of the state.
1519
- 1520 (i) Petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden
1521 water, chemicals, or any other toxic or harmful materials may not enter or leach
1522 into waters of the state.
1523
- 1524 (ii) Route wastewater from work activities and water removed from within the work
1525 area to an area landward of the OHWL to remove fine sediment and other
1526 contaminants prior to discharging the wastewater to waters of the state.
1527
- 1528 (iii) Deposit waste material such as construction debris, silt, excess dirt, or
1529 overburden resulting from the project above the limits of floodwater.
1530

- 1531 (iv) Use only clean, suitable material as fill material (e.g., no trash, debris, car bodies,
1532 asphalt, etc.). Material must be free from toxic pollutants in toxic amounts.
1533
- 1534 (v) Prevent the transport and introduction of invasive species by thoroughly
1535 cleaning boots, waders and other gear and equipment.
- 1536 (c) A person must use materials that are not harmful to fish life.
- 1537 (i) Use of wood treated with creosote, pentachlorophenol, or CCA in any hydraulic
1538 project is not allowed. A person may use other wood treated with other
1539 preservatives provided the wood meets industry post-treatment requirements
1540 or they cure it sufficiently prior to installation to minimize leaching.
- 1541 (ii) Completely contain sawdust, trimmings, or drill shavings from treated wood with
1542 tarps or other methods during installation or removal of structures.
- 1543 (iii) Structures made of treated wood must have design features (e.g., metal bands)
1544 to minimize abrasion of the wood by vessels, floats or other objects.
- 1545 (iv) The department must not allow the use of tires and tire by-products for
1546 construction where they encounter waters of the state (e.g., floatation, fenders,
1547 and hinges).
- 1548 (v) Replace existing structures made with unsuitable materials that contact the
1549 water with inert or encapsulated materials such as plastic or encased foam,
1550 during maintenance or repair of the structure.

1551 **(5) WORK AREA ISOLATION**

- 1552 (a) A person should use the least impacting method of temporarily bypassing or
1553 excluding water from the work area that is feasible for the type of work involved,
1554 physical characteristics of the site, and the volume of water flowing through the
1555 work area.
- 1556
- 1557 (i) For projects where construction takes place within the wetted perimeter, use a
1558 cofferdam, bypass or similar structure to separate the work area from waters of
1559 the state.
1560
- 1561 (ii) For minor actions, where the disturbance to construct a cofferdam or bypass to
1562 isolate the work area would be greater than to complete the action (for example,
1563 placement of a single boulder cluster), install measures immediately
1564 downstream of the work site to capture suspended sediment.
1565

- 1566 (iii) When necessary, pump seepage water from dewatered project area to a
1567 temporary storage site or onto upland areas to allow filtration of sediment out of
1568 the seepage water prior to return to channel.
1569
- 1570 (iv) Capture and safely move fish life from the work area to the nearest suitable free-
1571 flowing water.
1572
- 1573 (v) A person may request the department assist in fish life removal from the work
1574 area. The department may assist if personnel are available.
1575
- 1576 (vi) Complete all in-water work prior to re-watering the work area.
1577
- 1578 (vii) Re-water the stream slowly to prevent fish stranding.
1579
- 1580 (b) A person must minimize impacts when constructing and operating a temporary
1581 bypass culvert, flume, or channel.
1582
- 1583 (i) Where fish passage is a concern, the temporary bypass must provide fish
1584 passage.
1585
- 1586 (ii) Design the temporary bypass to minimize the length of the dewatered stream
1587 channel.
1588
- 1589 (iii) If the temporary bypass is in place between September 30 and June 15, the
1590 bypass design must maintain structural integrity to the 100-year peak flow and
1591 pass large woody material and sediment.
1592
- 1593 (iv) If the temporary bypass is in place between June 16 and September 29, the
1594 bypass design must maintain structural integrity at a peak flow expected to
1595 occur once in 100-years during the season of installation.
1596
- 1597 (v) Sequence the work to minimize the duration of dewatering.
1598
- 1599 (vi) Install the temporary bypass prior to initiation of other work in the wetted
1600 perimeter.
1601
- 1602 (vii) Install a cofferdam or similar device made of non-erosive materials at the
1603 downstream end of the bypass to prevent backwater from entering the work
1604 area.
1605
- 1606 (viii) Return diverted water to the channel downstream of the work area. Dissipate

- 1607 flow energy from the diversion to prevent scour / erosion to the channel.
1608
1609 (ix) Place the outflow in an area that prevents damage to riparian vegetation.
1610
1611 (x) Except for gravity diversions that have gradual and small outfall drops directly
1612 into water, all water intake structures in fish-bearing streams must have a fish
1613 screen installed, operated, and maintained in accordance with RCW 77.57.010
1614 and 77.57.070. The pump intake must be screened by one of the following:
1615
1616 (A) Perforated plate: 0.094 inch (maximum opening diameter).
1617
1618 (B) Profile bar: 0.069 inch (maximum width opening).
1619
1620 (C) Woven wire: 0.087 inch (maximum opening in the narrow direction).
1621
1622 (xi) The minimum open area for all types of fish guards is 27%. The screened intake
1623 must have enough surface area to ensure that the velocity through the screen is
1624 less than 0.4 feet per second.
1625
1626 (xii) Adequately maintain screens to prevent injury or entrapment of juvenile fish.
1627
1628 (xiii) The screen must remain in place whenever a person withdraws water from the
1629 stream through the pump intake.
1630
1631 (xiv) Isolate pump hose intakes with block nets so that fish do not get within a few
1632 feet of the intake.
1633
1634 (xv) A person may remove fish screens on dewatering pumps within by-passed work
1635 area after they remove and exclude all fish from the work area.
1636
1637 (xvi) If the diversion inlet is a gravity diversion that provides fish passage, place the
1638 diversion outlet in a location that facilitates gradual and safe reentry of fish into
1639 the stream channel.
1640

1641 **(6) NOTIFICATION OF FISH KILL**

- 1642 (a) If a person observes a fish kill or fish in distress at the job site, immediately cease all
1643 work activities. Immediately notify the department and the Washington Military
1644 Department Emergency Management Division of the problem. Work may not
1645 resume until the department gives approval.

1646 **(7) WORK SITE**

1647
1648
1649
1650

- (a) A person must replace aquatic and wetland vascular plants (except noxious weeds) damaged or destroyed by construction using a proven methodology.

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1651 **220-110-130 Authorized work times in freshwater areas**

1652 All projects must meet the requirements in WAC 220-110-090 – General mitigation
1653 requirements for HPAs, and any requirements in WAC 220-110-120 through 220-110-450 that
1654 apply to the specific project.

1655
1656 **(1) DESCRIPTION**

1657 The department applies work windows to reduce the risk of impacts to fish at critical life
1658 stages. In-water work is limited to non-critical periods of the year unless the permittee
1659 can take mitigation measures to eliminate risk during critical periods.

1660
1661 **(2) FISH LIFE CONCERNS**

1662 Work in or around waterbodies can result in harmful effects to fish life and their
1663 habitat. Therefore, this work must occur when a person can reduce the risk of these
1664 harmful effects. Using timing windows helps ensure that in water work avoids damage
1665 to habitat, fish eggs, or juvenile fish and prevents impacts to adults and juveniles that
1666 may be migrating, overwintering or rearing.

1667 **(3) DETERMINING AUTHORIZED WORK TIMES**

1668 (a) The department must specify authorized work times for hydraulic projects in or
1669 adjacent to freshwater areas when it issues HPAs. When determining the authorized
1670 work times, the local biologist will use the information below to determine the
1671 appropriate work window on a project by project basis:

- 1672
- 1673 • The times when fish are spawning and their eggs and fry are least likely to be
1674 incubating within Washington state freshwaters
 - 1675
 - 1676 • The outmigration timing of smolts
 - 1677
 - 1678 • The expected impact of construction activities, equipment type and access
 - 1679
 - 1680 • Life history stages of all species of fish life present
 - 1681
 - 1682 • Presence or absence of spawning habitat and incubating fish at or near the work
1683 site
 - 1684
 - 1685 • Weather
 - 1686
 - 1687 • Work site containment

1688
1689
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1698

1699

- Wastewater management
- Best management practices proposed by the project proponent
- Mitigation measures volunteered or imposed upon the project
- Other circumstances and conditions

(b) The department must publish the times when spawning salmonids and their incubating eggs and fry are least likely to be within Washington state freshwaters on its public website.

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1700 **220-110-140** **Freshwater habitats of special concern**

1701 Placeholder

1702

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1703 **220-110-150 Stream bank and lake shoreline stabilization**

1704 All projects must meet the requirements in WAC 220-110-090 – General mitigation
1705 requirements for HPAs, and any requirements in WAC 220-110-120 through 220-110-450 that
1706 apply to the specific project.

1707
1708 **(1) DESCRIPTION**

1709
1710 A bank protection structure is a permanent or temporary structure constructed for the
1711 purpose of protecting or stabilizing the bank. Bank protection methods are either hard
1712 approaches or soft approaches. Hard approaches armor the bank with material such as
1713 riprap, concrete, or timber. Hard approaches are intended to resist shear forces
1714 experienced at the project site that would prevent erosion of the bank. Soft approaches
1715 attempt to mimic natural processes with the use of biotechnical methods such as live
1716 plantings, rootwads, and large woody debris (LWD). Many projects integrate both hard and
1717 soft approaches.

1718
1719 **(2) FISH LIFE CONCERNS**

1720
1721 Stream bank and lake shoreline stabilization alter the bed or beach and the physical
1722 processes that form and maintain fish habitat. Direct loss of habitat may include loss of
1723 cover, spawning beds, large woody material, riparian function and alteration to the
1724 channel/beach that decreases the complexity of diversity of fish habitats.

1725
1726 **(3) EMERGENCIES**

1727
1728 The department must assess a structure installed in an emergency within thirty days after
1729 the emergency to assure the structure is adequately keyed into the bank or bed and that
1730 the structure minimizes encroachment waterward of the ordinary high water line. The
1731 department will require a permittee to address any deficiencies. This includes the
1732 possibility of removing the emergency structure and replacing it with a more appropriate
1733 structure.

1734 **(4) GENERAL DESIGN REQUIREMENTS**

- 1735
- 1736 (a) Stream bank and lake shoreline stabilization projects must minimize adverse impacts
1737 by using the least impacting technically feasible alternative type of shoreline
1738 stabilization.
 - 1739
 - 1740 (b) An HPA application for a new, replacement, and rehabilitated stream bank
1741 protection or a lake shoreline protection structure must include rationale for the
1742 proposed technique including:

- 1743 (i) An assessment of the level of risk to existing buildings, roads, or
1744 services being threatened by the erosion;
1745
1746 (ii) Technical rationale specific to the design developed; and,
1747
1748 (iii) Evidence of erosion and/or slope instability to warrant the stabilization work.
1749
1750 (c) The department may require bioengineering methods to stabilize a stream bank or
1751 lake shoreline.
1752
1753 (d) The department may require the incorporation of large woody material or native
1754 vegetation into the design of bank stabilization structures.
1755

1756 **(5) GENERAL CONSTRUCTION REQUIREMENTS**

1757 The department may require the proponent to establish structure elevations relative to
1758 permanent benchmarks prior to commencing work on the project. The benchmarks
1759 must be located, marked and protected to serve as post-project reference.

1760 **(6) STREAMBANK STABILIZATION**

- 1761
1762 (a) Restrict stream bank stabilization to work necessary to protect eroding banks.
1763
1764 (b) The streambank stabilization project must minimize impacts to the active
1765 floodplain and channel of the stream.
1766
1767 (c) Use natural materials and design to flows that promote evolution of the channel.
1768
1769 (d) When there is an immediate threat to life, or public or private property, the
1770 department will authorize the use of the one-hundred year recurrence interval peak
1771 flow or the maximum design flow, if higher, for design calculations.
1772
1773 (e) Restrict the placement of bank stabilization material waterward of the ordinary high
1774 water line to that necessary to protect the toe of the bank, or for installation of
1775 mitigation features (e.g. logs and rootwads) approved by the department.
1776
1777 (f) Design the toe to protect the integrity of bank stabilization material.
1778
1779 (g) Bury the base of the structure to a depth sufficient to prevent undermining. In cases
1780 where scour depth is sufficiently deep, a person may propose designs that adjust to
1781 changing scour depth without compromising the function of the bank protection.
1782

- 1783 (h) Bank sloping may not release overburden material into the waters of the state.
1784
1785 (i) If the department approves rock or other hard materials for stream bank
1786 stabilization, size and install the material to withstand one-hundred year recurrence
1787 interval peak flows or the maximum design flow if higher.
1788
1789 (j) The project cannot use river gravel for exterior armor unless the department has
1790 specifically authorized it.
1791
1792 (k) Do not stockpile excavated materials below the ordinary high water line.
1793
1794 (l) Retain all natural habitat features in the project area and below the OHWL that are
1795 larger than twelve inches in diameter including trees, stumps and logs, and large
1796 rocks within the reach.
1797

1798 **(7) GROINS**
1799

- 1800 (a) Design and install groins to redirect flow away from an eroding bank.
1801
1802 (b) Do not place groins in tight-radius bends.
1803
1804 (c) Size and space groins so they dissipate flood flow energy and promote sediment
1805 deposition between them.
1806
1807 (d) Impermeable groins must not exceed fifteen percent of the bankfull channel width.
1808 Permeable groins must not exceed twenty percent of the bankfull channel width.
1809
1810 (e) Groins must not exceed the height of the adjacent bank. The crest must be sloped
1811 down and away from the bank.
1812
1813 (f) Key groins into the bank to assure integrity during high flows.
1814

1815 **(8) BARBS**
1816

- 1817 (a) Design and install barbs so they do not adversely confine the channel.
1818
1819 (b) Barbs must not exceed twenty-five percent of the bankfull channel width.
1820
1821 (c) The height of the barbs must be below the height of the ordinary high water line and
1822 equal to or above the mean low-water level.
1823

1824 (d) Key barbs into the bank to assure integrity during high flows.

1825

1826 **(9) ENGINEERED LOG JAMS**

1827

1828 (a) Engineered log jams must be designed by a qualified professional.

1829

1830 (b) Use the size and species of large woody material necessary to ensure the log jam will
1831 remain intact and stable.

1832 **(10) FLOODPLAIN ROUGHNESS**

1833 (a) Design floodplain terraces to contain the ten-year recurrence interval peak flow, and
1834 to overtop during greater flows.

1835

1836 (b) Locate large woody material or vegetative roughness elements in the floodplain
1837 perpendicular to the down-valley slope, on either side of banks vulnerable to
1838 avulsion (such as tight bends).

1839

1840 (c) Anchor large woody material to the floodplain if flotation or high shear stresses may
1841 occur at flood flows.

1842 **(11) FLOW SPREADERS**

1843 (a) Construct flow spreaders from rock, soil, wood, live plants (i.e. cottonwood boles),
1844 or vegetated soil berms.

1845

1846 (b) Vegetative soil berms must incorporate fabric to hold soils in place while vegetation
1847 becomes established.

1848

1849 (c) Size and install rock or other armor materials to protect against scour.

1850

1851 (d) The top of the spreader must be at or near the elevation of the design flood, with
1852 allowances for increased water elevation due to backwatering caused by the
1853 spreader itself.

1854

1855 (e) Construct flow spreaders in series, to prevent stream channel formation. Locate flow
1856 spreaders to prevent water from flowing around the spreader and scouring the bed
1857 or banks.

1858 **(11) LAKE SHORELINE STABILIZATION**

1859 (a) Design requirements

1860

- 1861 (i) Stabilize banks in areas with low to moderate wave action using vegetative
1862 stabilization or bioengineering techniques;
1863
- 1864 (ii) Stabilize banks in areas with moderate to high wave action using a
1865 combination of vegetation and natural hard structures such as large woody
1866 debris and/or riprap;
1867
- 1868 (iii) Where required, stabilize banks in areas with high wave action using “hard”
1869 engineering (i.e., engineer designed hard structures) to ensure effective
1870 erosion protection. A technical rationale as to why softer bioengineering or
1871 integrated techniques cannot be used must be included in the HPA
1872 application, specific to the design proposed; and,
1873
- 1874 (iv) Ensure hard engineering will not create erosion problems off-site.
1875
- 1876 (b) Locate the toe of the structure landward of the ordinary high water line.
1877
- 1878 (c) If the department approves rock for construction, it must be composed of clean,
1879 angular material.
1880
- 1881 (d) All construction material must be a sufficient size to prevent high water or wave
1882 action from washing it away.
1883
- 1884 (e) The project may not use material that is waterward of the ordinary high water line
1885 for backfill.
1886
- 1887 (f) Do not stockpile excavated materials below the ordinary high water line.
1888
- 1889 (g) Retain all natural habitat features in the project area and below the OHWL that are
1890 larger than twelve inches in diameter including trees, stumps and logs, and large
1891 rocks on the beach.
1892

1893 **220-110-160 Residential docks, buoys and other overwater**
1894 **structures in freshwater areas**

1895 The requirements in this section apply to location, design and construction of permanent and
1896 seasonal docks, watercraft lifts and mooring buoys in freshwater areas. All projects must meet
1897 the requirements in WAC 220-110-090 – General mitigation requirements for HPAs, and any
1898 requirements in WAC 220-110-110 through 220-110-450 that apply to the specific project.

1899
1900 **(1) DESCRIPTION**

1901
1902 A dock is a structure built out over or on the water. Typically, a person builds a dock to
1903 have access to a boat. A dock can be a pier only, a pier, ramp and float, or a float only. A
1904 pier is a stationary overwater structure supported by piling that extends out from the
1905 shoreline. A pier may or may not have a float associated with it. A float is a walkway or
1906 other surface that floats on the water. A ramp is a walkway that connects a pier or other
1907 shoreline to a float and provides access between the two. Pilings, which are associated
1908 with several of these structures, are long timber, steel, reinforced concrete or
1909 composite posts that are driven, jacked, or cast vertically into the bed. A watercraft lift
1910 is a structure that lifts boats and personal watercraft out of the water. A mooring buoy
1911 is floating surface structure used for private and commercial vessel moorage.

1912
1913 **(2) FISH LIFE CONCERNS**

1914
1915 Overwater structures can alter physical processes that create or maintain fish habitat.
1916 These include alteration of the light regime, hydrology, substrate conditions, and water
1917 quality. However, light reduction is the main impact to fish habitat. Light reduction, or
1918 shading, by overwater structures reduces survival of aquatic plants. Aquatic plants
1919 provide food, breeding areas, and protective nurseries for fish.

1920
1921 Freshwater predator fish are attracted to docks. Docks may increase the exposure of
1922 juvenile salmon and other small fish to potential predators by providing predator habitat.
1923 This can alter the natural predator/prey condition.

1924
1925 **(3) DOCKS**

1926
1927 (a) General Requirements

1928
1929 (i) Design and locate structures to avoid impacts to fish migration corridors, and fish
1930 spawning and rearing areas.

1931

- 1932 (ii) New and replacement docks in freshwater areas with salmon, steelhead and bull
 1933 trout must be a pier, ramp and float design.
 1934
 1935 (iii) Design docks in freshwater areas with salmon, steelhead and bull trout so floats
 1936 and associated vessels do not ground on the bed.
 1937
 1938 (iv) New and replacement docks in freshwater areas without salmon, steelhead and
 1939 bull trout may be either a pier, ramp and float design or a floating dock design.
 1940
 1941 (v) Design docks in freshwater areas without salmon, steelhead and bull trout so no
 1942 more than 30 percent of the float or floating dock grounds at any time.
 1943
 1944 (vi) The department prohibits skirting.
 1945
 1946 (b) Piers
 1947
 1948 (i) The pier must not be more than four feet wide.
 1949
 1950 (ii) Piers shall extend at least forty feet perpendicular from the OHWL.
 1951
 1952 (iii) A pier must be fully grated.
 1953
 1954 (iv) The underside of pier must be at least one and one-half feet above the OHWL
 1955 elevation.
 1956
 1957 (c) Ramps
 1958
 1959 (i) Ramps must be more than four feet wide.
 1960
 1961 (ii) Construct ramps entirely of grated material.
 1962
 1963 (d) Floats
 1964
 1965 (i) Floats must not exceed eight feet in width.
 1966
 1967 (ii) The total length of single-family dock float(s) may not exceed twenty feet and
 1968 the total length of joint-use dock float(s) may not exceed forty feet.
 1969
 1970 (iii) A float six feet wide or less must have grating covering at least 30% of the deck
 1971 surface. A float greater than six feet wide (up to eight feet) must have grating

- 1972 covering at least fifty percent of the deck surface. Flotation must be located
1973 under the solid decked area only.
1974
1975 (iv) The freeboard height of floats must be at least ten inches.
1976
1977 (v) Flotation for the structure must be fully enclosed and contained in a shell (tub)
1978 that prevents breakup, or loss of the flotation material into the water, and is not
1979 readily subject to damage by ultraviolet radiation and abrasion.
1980
1981 (vi) Helical screw or “duckbill” anchor(s), piling, piling with stoppers and float
1982 support/stub pilings may hold floats in place.
1983
1984 (e) Treated wood
1985
1986 (i) The design must not use treated wood for the decking of the overwater
1987 structure, but the design may use treated wood for structural elements.
1988
1989 (ii) Treated wood structural elements subject to abrasion must incorporate design
1990 features (e.g., fenders, bumpers, metal bands) to minimize abrasion of the by
1991 vessels, piling, floats or other objects.
1992
1993 (f) Grating
1994
1995 (i) All grating must have at least sixty percent open area. Grating must be oriented
1996 so the lengthwise opening is in the east-west direction to maximize the amount
1997 of light penetration. Any objects on, above or below the grating should not block
1998 light penetration.
1999
2000 (ii) The department may require grating to minimize impacts to native aquatic
2001 vegetation present in freshwater areas without salmon, steelhead and bull trout.
2002
2003 (g) Piling
2004
2005 (i) Use the minimum number of piling necessary to construct a safe structure.
2006
2007 (ii) Piles must be no greater than twelve inches in diameter. Space four inch to
2008 eight-inch diameter piles no closer than eighteen feet apart. Space ten inch to
2009 twelve-inch diameter piles no closer than twenty feet apart.
2010
2011 (iii) New and replacement piling can be steel, concrete, recycled plastic or untreated
2012 or ammoniacal copper zinc arsenate (ACZA) treated wood.

- 2013
- 2014 (iv) ACZA treated wood piling must incorporate design features (e.g., metal bands) to
- 2015 minimize abrasion of the piling by vessels, floats or other objects.
- 2016
- 2017 (h) Fill and piling
- 2018
- 2019 (i) The department only allows the use of fill around piling when the condition of
- 2020 the substrate prevents the use of driven piles.
- 2021
- 2022 (ii) Fill material is limited to clean rock and concrete.
- 2023
- 2024 (iii) Limit the total amount of fill to the minimum amount necessary to secure the
- 2025 piles.
- 2026
- 2027 (i) Noise and pile driving
- 2028
- 2029 (i) Use the minimum number of piling necessary to construct a safe structure.
- 2030
- 2031 (ii) When practicable, use a vibratory hammer to drive steel piling.
- 2032
- 2033 (iii) When impact pile driving, use the smallest drop or hydraulic impact hammer
- 2034 necessary to complete the job, and set the drop height to the minimum
- 2035 necessary to drive the piling.
- 2036
- 2037 (i) The department may require sound attenuation to minimize harm to fish from
- 2038 impact steel pile-driving noise.
- 2039
- 2040 (j) Piling removal
- 2041
- 2042 (i) If practicable, dislodge piling with a vibratory system.
- 2043
- 2044 (ii) After removal, place the piling on a construction barge or other dry storage site.
- 2045
- 2046 (iii) If a treated wood pile breaks during extraction, remove the stump from the
- 2047 water column by fully extracting the stump, cutting it 3' below the substrate or
- 2048 pushing it to that depth.
- 2049
- 2050 (iv) Cap the buried stump with clean sediment that matches the native material.
- 2051
- 2052 (v) Fill holes left by piling extraction with clean sediment that matches the native
- 2053 material.

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(k) Seasonal storage

Place floats removed seasonally in non-vegetated or paved upland area.

(4) PERMANENT WATERCRAFT LIFTS

(a) Design the grid/lift so that the bottom of the grid/lift rests at least 1 foot above the bed.

(b) Use the minimum number of additional piles necessary to support the watercraft grid/lift.

(c) Limit wall materials to the minimum open structural framework needed for roof support.

(d) Use translucent roofing materials to cover the roof area.

(5) MOORING BUOY

(a) In waterbodies where mooring buoy systems can potentially damage the bed and submerged aquatic vegetation, locate and design the buoy system to minimize damage.

(i) Locate the buoy at a sufficient depth to prevent vessel grounding.

(ii) Locate the buoy to avoid shading impacts from vessels and/or damage from vessel propellers to submerged aquatic vegetation.

(iii) Design and install the buoy system so that anchor lines do not drag.

(iv) Where practicable, use embedment style mooring anchors instead of surface style mooring anchors.

(v) Adequately size the mooring to prevent the anchor from shifting or dragging along the bed.

(b) Securely anchor the buoy.

(c) Construction material

(i) If the department authorizes the use of a concrete anchor, it must be pre-cast.

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(ii) The buoy must have a shell that is not readily subject to damage by ultraviolet radiation and abrasion caused by rubbing against vessels, the bed, and/or waterborne debris.

(d) Maintenance

(i) Keep the mooring buoy system in good repair through regular inspections.

(ii) Dispose of derelict or unused floats, lines, chains, cables or mooring anchors in an upland area.

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2108 **220-110-170 Boat ramps and launches in freshwater areas**

2109 All projects must meet the requirements in WAC 220-110-090 – General mitigation
2110 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
2111 apply to the specific project.

2112

2113 **(1) DESCRIPTION**

2114

2115 A boat ramp is a sloping stabilized roadway constructed on the shoreline for launching
2116 boats from vehicular trailers. Ramps extend into the water at a slope of twelve percent
2117 to fifteen percent and are oriented perpendicular to the shoreline. The design of ramp
2118 widths varies with the intended use, whereas the length often depends on the slope of
2119 the shoreline and fluctuating water levels. Ramps extend from the upland to below the
2120 expected low water line and are usually constructed in protected areas with access to
2121 deep water close to shore. Construction materials commonly consist of gravel, concrete,
2122 or asphalt; they are often associated with marinas and parking lots. A railway-type boat
2123 launch consists of a pair of railroad tracks supported by pilings extending from the
2124 upland down to the shoreline.

2125

2126 **(2) FISH LIFE CONCERNS**

2127

2128 A ramp replaces river or lakebed habitat used by fish and shellfish. The large number of
2129 ramps in a given area increases the loss and fragments this habitat. Ramps and launches
2130 placed above bed grade can block sediment and wood movement. Ramp and launch
2131 placement and maintenance and associated vessel activity can cause aquatic vegetation
2132 disturbance or direct removal can affect fish life. Vessel activity associated with boat
2133 ramps can increase sedimentation and diminish water quality.

2134

2135 **(3) BOAT RAMP REQUIREMENTS**

2136

2137 (a) A person must design and locate the boat ramp or launch to avoid adverse impacts
2138 to fish spawning areas.

2139

2140 (a) Construct footings and/or the base of the boat ramp below the pre-existing grade of
2141 the stream bank or lakeshore.

2142

2143 (b) Boat ramps must be of the same elevation as the pre-construction streambed and
2144 banks or lakeshore provided the maximum grade does not exceed 15 percent
2145 regardless of the stream bank or lakeshore.

2146

- 2147 (c) Locate and design boat ramps so the greatest amount of excavation occurs above
2148 the ordinary high water line.
2149
- 2150 (d) Use pre-cast concrete slabs to construct a concrete boat ramp below ordinary high
2151 water or isolate the wet cement until it is fully hardened.
2152
- 2153 (e) Construct the upland portions of the ramp in the dry.
2154
- 2155 (f) Design and construct the ramp to prevent erosive undercutting or breaking of ramp
2156 edges.
2157

2158 **(4) RAILWAY-TYPE BOAT LAUNCH REQUIREMENTS**
2159

- 2160 (a) Securely anchor launching rails to the stream or lake bottom.
2161
- 2162 (b) Use the minimum number of piling necessary to construct a safe structure.
2163
- 2164 (c) The rails of the rail launching system must not exceed four inches in height and the
2165 rail system must lie on and follow the grade of the existing streambed or lakebed
2166 and banks.
2167

2168 **(5) MAINTENANCE**
2169

2170 A person may remove or excavate clean sediment or other natural debris that obstructs
2171 or interferes with normal use of a boat ramp, if only the minimum amount of sediment
2172 and debris necessary to restore normal use are disturbed. Side cast the sediment or
2173 returned it to the water downstream to provide aquatic habitat function.
2174

2175 **220-110-180 Marinas and terminals in freshwater areas**

2176 The requirements in this section apply to construction, maintenance, repair, and removal of
2177 marinas and marine terminals in freshwater areas. All projects must meet the requirements in
2178 WAC 220-110-090 – General mitigation requirements for HPAs, and any requirements in WAC
2179 220-110-110 through 220-110-450 that apply to the specific project.

2180

2181 **(1) DESCRIPTION**

2182 A marina is a public or private facility providing vessel moorage space, fuel, or
2183 commercial services. Commercial services include but are not limited to overnight or
2184 live-aboard vessel accommodations (RCW 77.55.011(10)).

2185

2186 A terminal is a public or private commercial wharf located in the navigable waters of the
2187 state and used, or intended to be used, as a port or facility for the storing, handling,
2188 transferring, or transporting of goods, passengers, and vehicles to and from vessels
2189 (RCW 77.55.011(11)).

2190

2191 **(2) FISH LIFE CONCERNS**

2192

2193 Marinas and terminals can alter physical processes that create or maintain fish habitat.
2194 These include alteration of the light regime, hydrology, substrate conditions, and water
2195 quality. However, light reduction is the main impact to fish habitat. Marinas and
2196 terminals have a larger impact area than residential docks and they are usually
2197 associated with heavy boat traffic and human use. As a result, the size and amount of
2198 the impacts to fish life are greater.

2199

2200 **(3) GENERAL REQUIREMENTS**

2201 Design, locate and construct marinas and terminals to avoid impacts to fish migration
2202 corridors, and fish spawning and rearing areas.

2203 **(4) SITE SELECTION REQUIREMENTS**

2204

2205 (a) Locate marinas and terminals away from areas with native aquatic vegetation.

2206

2207 (b) Locate marinas and terminals in areas naturally deep so dredging is not required.

2208

2209 (c) Locate marinas and terminals in areas deep enough to prevent propeller wash
2210 impacts to the bed.

2211

2212 (d) Locate marinas and terminals in areas with low or impaired biological integrity

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(5) DESIGN REQUIREMENTS FOR MARINAS AND TERMINALS

- (a) Design marinas and terminals so most overwater coverage is in water more than fifty feet from the shoreline and in water more than twenty feet deep, except that structures must not be placed in areas that support native aquatic vegetation or areas where boat operations may damage native aquatic vegetation.
- (b) Minimize the width of overwater structures.
- (c) Use the smallest number of piling necessary to carry the load.
- (d) Design piers and other above water structures as high as practical to increase light transmission.
- (e) Use light-reflecting materials on the underside of above water structures.

(6) DESIGN REQUIREMENTS FOR MARINAS

- (a) If practical, install grating with maximum open space in overwater structures. The department requires sixty percent open space, when practicable.
- (b) Orient grating to maximize light transmission under the structure.
- (c) Site slips for smaller boats in shallower water and place slips for larger boats in deeper water.
- (d) Boathouses, houseboats, and covered moorages must not be located less than fifty feet from the shoreline and in water less than twenty feet deep.

(7) PILING

- (a) Use the minimum number of piling necessary to construct a safe structure.
- (b) New and replacement piling can be steel, concrete, recycled plastic or untreated or ammoniacal copper zinc arsenate (ACZA) treated wood.
- (c) ACZA treated wood piling must incorporate design features (e.g., metal bands) to minimize abrasion of the piling by vessels, floats or other objects.

(8) NOISE AND PILE DRIVING

- 2254 (a) Use a vibratory hammer to drive steel piling whenever practicable.
2255
2256 (b) The department may require sound attenuation to minimize harm to fish from
2257 impact steel pile-driving noise.
2258
2259 (c) To avoid attracting fish with light during nighttime pile driving operations, limit pile
2260 driving to daylight hours to the extent practicable.
2261

2262 **(9) BREAKWATERS**

2263 Where possible, use removable, floating breakwaters.

2264 **(10) MAINTENANCE**

- 2265
2266 (a) Maintain all navigation channels and breaches at or below marina or terminal depth
2267 to provide adequate fish passage.
2268
2269 (b) Any replacement roof, wall, or garage door for covered moorages and boathouses
2270 must be made of translucent materials. In addition, each side (except the door) of
2271 the boathouse must have windows at least 4 feet wide installed the length of the
2272 boat house, subject to breaks only for structural support. A person may install
2273 skylights (at least two 4-foot by 4-foot) in the roof in lieu of translucent panels.
2274

2275 **220-110-190 Dredging in freshwater areas**

2276 The requirements of this section do not apply to suction dredging for mineral prospecting
2277 covered in WAC 220-110-310, or to diver operated dredging for aquatic plant control covered in
2278 WAC 220-110-300.

2279
2280 All projects must meet the requirements in WAC 220-110-090 – General mitigation
2281 requirements for HPAs and any requirements in WAC 220-110-110 through 220-110-450 that
2282 apply to the specific project except as noted in the paragraph above.

2283
2284 **(1) DESCRIPTION**

2285
2286 Dredging includes the removal of substrate from rivers and lakes to improve vessel
2287 navigation or moorage, to maintain channels and sediment traps for flow conveyance,
2288 and for flood control. Dredging is also used to clean up contaminated sediments.

2289
2290 **(2) FISH LIFE CONCERN**

2291
2292 Dredging in lakes converts shallow-water habitats into deeper-water ones and may
2293 create a steeper bottom transition. This may change the size and species distribution of
2294 fish in the localized environment, altering predator/prey dynamics. The effect of
2295 dredging on rivers is more complex because localized alteration of channels can lead to
2296 dynamic shifts in channel form as the system adjusts to the changed conditions. These
2297 effects can extend a considerable distance beyond the bounds of the original dredging
2298 project.

2299
2300 In addition to harming habitat, dredging may kill and injure fish and shellfish when
2301 dredging equipment traps fish and shellfish in the uptake of sediments and water.
2302 Suspended sediments released into the water column by dredging can affect fish by
2303 interfering with breathing and feeding, and by changing predator-prey relationships.

2304
2305 **(3) DREDGING REQUIREMENTS**

- 2306
2307 (a) The department may not authorize dredging in fish spawning areas unless it creates
2308 or improves the access or quality of fish spawning areas.
- 2309 (b) The department may require multi-season pre- and post-dredge project bathymetric
2310 or biological surveys.
- 2311
2312 (c) The department may require a boom or similar device to contain floatable materials
2313 during the dredging of a lake or pond.

- 2314
2315 (d) A person must conduct dredging with dredge types and methods that cause the
2316 least adverse impact to fish and shellfish and their habitat.
2317
2318 (e) A person must operate a hydraulic dredge with the intake at or below the bed
2319 surface. A person must only raise the intake a maximum of three feet above the bed
2320 for brief periods of purging or flushing the intake system.
2321
2322 (f) A person must operate a dragline or clamshell to minimize turbidity. During
2323 excavation, each pass with the clamshell or dragline bucket must be complete.
2324 Dredged material must not be stockpiled waterward of the ordinary high water line.
2325
2326 (g) To avoid fish stranding, the bed must not contain pits, potholes, or large
2327 depressions upon completion of the dredging.
2328
2329 (h) A person must dispose of dredged bed materials at a department-approved in-water
2330 disposal site or outside the floodplain so they do not reenter state waters. The
2331 department may instead allow dredged material placement in areas for beneficial
2332 uses such as beach nourishment or capping of contaminated sediments.
2333
2334 (i) Hopper dredges, scows and barges used to transport dredged materials to the
2335 disposal or transfer sites must completely contain the dredged material to minimize
2336 turbidity.
2337

2338 **220-110-200 Sand and gravel removal**

2339 All projects must meet the requirements in WAC 220-110-090 – General mitigation
2340 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
2341 apply to the specific project.

2342

2343 **(1) DESCRIPTION**

2344

2345 People mechanically remove sand and gravel from river channels for a variety of
2346 reasons: to improve navigation, agricultural drainage, flood control, channel stability,
2347 and to collect material to produce construction aggregate.

2348

2349 Sand and gravel deposited by river processes is used as construction aggregate for roads
2350 and highways (base material and asphalt), pipelines (bedding), septic systems (drain
2351 rock in leach fields), and concrete (aggregate mix) for highways and buildings. In some
2352 areas, people remove aggregate primarily from river deposits, either from pits in river
2353 floodplains and terraces, or by mining directly from riverbed with heavy equipment.

2354

2355 **(2) FISH LIFE CONCERNS**

2356

2357 Removing sand and gravel from the active channel bed may affect sediment movement
2358 if it disrupts the sediment balance in the river. This disruption may cause channel
2359 adjustments that extend considerable distances beyond the excavation site. Instream
2360 sand and gravel mining changes the channel shape and bed elevation and may involve
2361 extensive clearing of vegetation, flow diversion, sediment stockpiling, and excavation of
2362 deep pits. Sand and gravel removal can produce a local sediment shortage. Excavating
2363 trenches or pits in the bed can also leave a headcut on the upstream end of the
2364 extraction. Other effects of instream mining include reduced loading of large woody
2365 material in the channel, which is important as cover for fish.

2366

2367 **(3) REQUIREMENTS**

2368

2369 (a) A person must limit sand and gravel removal from a watercourse to exposed bars.
2370 Sand and gravel removal must not result in a lowering of the average channel cross-
2371 section profile either in the project area or downstream of it. The department may
2372 authorize the removal of additional sand and gravel, including removal from wetted
2373 portions of the channel, where the project is an integral part of a department
2374 approved comprehensive flood control plan.

2375

2376 (b) The department must establish an excavation line.

2377

- 2378 (c) A person must place boundary markers to identify the excavation zone. The
2379 department must approve the location of the boundary markers prior to the start of
2380 sand and gravel removal.
2381
- 2382 (d) Excavation must begin at the excavation line and proceed toward the bank or the
2383 center of the bar, perpendicular to the alignment of the watercourse.
2384
- 2385 (e) A person must not remove bed material from the waterside of the excavation line.
2386
- 2387 (f) Equipment must not enter or operate within the wetted perimeter of the
2388 watercourse.
2389
- 2390 (g) A person may remove sand and gravel within the excavation zone from a point
2391 beginning at the excavation line and progressing upward toward the bank or the
2392 center of the bar on a minimum two percent gradient. The department may require
2393 a survey of the excavation zone upon completion of the sand and gravel removal
2394 operation to ensure the operation maintained a two percent gradient and that no
2395 depressions exist. When required, the permittee or authorized agent must pay for
2396 the survey.
2397
- 2398 (h) The department requires pre-project and post-project channel cross-section surveys
2399 for commercial sand and gravel removal projects. The department may also require
2400 pre-project and post-project channel cross-section surveys as part of a
2401 comprehensive flood control plan. The surveys must reference cross-sections
2402 vertically to a permanent benchmark and horizontally to a permanent baseline. The
2403 cross-sections must be surveyed perpendicular to the high flow channel every one
2404 hundred feet through the project area and at cross-sections upstream and
2405 downstream at adjacent channel riffles. The HPA application submitted to the
2406 department must include the pre-project survey information. The permittee or
2407 authorized agent must submit the post-project survey to the department within
2408 ninety days of completion of removal of sand and gravel or the expiration date of
2409 the HPA, whichever occurs first.
2410
- 2411 (i) At the end of each workday, the excavation zone may not contain pits, potholes, or
2412 depressions that may trap fish because of fluctuation in water levels.
2413
- 2414 (j) A person must limit stockpiling of material waterward of the ordinary high water
2415 line, after the initial bed disturbance, to avoid impacts to fish life. If the department
2416 approved stockpiling waterward of the ordinary high water line, a person must
2417 completely remove the material prior to the onset of fish spawning in the vicinity or
2418 the onset of increasing stream flows. The department will determine timing

2419 restrictions on a site-specific basis. If the water level rises and makes contact with
2420 stockpiles, further operation of equipment or removal of the stockpiles may not
2421 proceed unless the department authorizes the work.

2422

2423 (k) A person must leave the upstream end of the sand and gravel bar undisturbed to
2424 maintain watercourse stability waterward of the ordinary high water line.

2425

2426 (l) A person must retain large woody material waterward of the ordinary high water
2427 line and repositioned within the watercourse. Other debris must be disposed of so it
2428 does not reenter the watercourse.

2429

2430 (m) Sand and gravel washing or crushing operations may not take place waterward of
2431 the ordinary high water line.

2432

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2433 **220-110-210 Water crossing structures**

2434 All projects must meet the requirements in WAC 220-110-090 – General mitigation
2435 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
2436 apply to the specific project.

2437

2438 **(1) DESCRIPTION**

2439

2440 Water crossings are structures constructed to facilitate the movement of people,
2441 animals, or materials across or over water from bank to bank. These structures include
2442 bridges, culverts, fords and conduits. This chapter covers bridges, culverts, and fords.
2443 WAC 220-110-280 covers conduit crossings. Generally, people use bridges to cross over
2444 large streams and rivers; they use culverts to cross over small streams with an average
2445 channel width less than fifteen feet and they use fords to cross at the same level as the
2446 stream when they do not have to cross the stream very often.

2447

2448 **(2) FISH LIFE CONCERNS**

2449

2450 A person must design a water crossing in fish-bearing stream to allow fish to move
2451 freely through them at all flows. All water crossings, even those in streams with no fish,
2452 must keep the connection between the upstream and downstream physical channel
2453 processes necessary to create and maintain habitat. These physical processes include
2454 the movement and distribution of wood and sediment and the shifting of channel
2455 patterns. Water crossings that are too small in relation to the stream can block these
2456 processes.

2457

2458 **(3) GENERAL REQUIREMENTS FOR PERMANENT WATER CROSSING**

2459

2460 (a) Designs for water crossings must protect fish life and their habitat. The design must
2461 provide unimpeded passage for all species of adult and juvenile fishes and ensure
2462 that the physical characteristics of a natural stream channel occur throughout the
2463 water crossing. If channelization, encroachment, or other human-made changes
2464 have degraded the project channel, the design must reflect the characteristics of a
2465 natural channel with a similar slope, cross section and velocity distribution.

2466

2467 (b) The water crossing design must ensure channel processes and functions are
2468 unconstrained by the structure. All water crossings must provide the following
2469 processes and functions:

2470

- 2471 (i) Low flow continuity. Crossings in stream channels that normally dry out or
2472 have disconnected pools during the low flow period need not provide
2473 continuity
2474
- 2475 (ii) Flood flow conveyance
2476
- 2477 (iii) Floodplain continuity
2478
- 2479 (iv) Large wood transport. To meet the provisions in this section, when Instream
2480 piers are needed to design a practical bridge they must be located to
2481 minimize wood accumulation
2482
- 2483 (v) Sediment transport
2484
- 2485 (vi) Hydraulic diversity
2486
- 2487 (vii) Stream margin habitat
2488
- 2489 (viii) Sediment gradation continuity
2490
- 2491 (ix) Natural evolution of the channel planform and longitudinal profile
2492
- 2493 (c) The department may approve any water crossing structure that complies with the
2494 requirements subsection (3)(b) of this section. In addition, the department may
2495 approve the following water crossing structures that do comply with the
2496 requirements subsection (3)(b) of this section:
2497
- 2498 (i) A full span bridge designed and constructed to comply with the following:
2499
- 2500 (A) A person must design the bridge to pass the one-hundred year peak flow or
2501 other design flood flow approved by the department.
2502
- 2503 (B) A bridge must have at least 3 feet of clearance between the bottom of the
2504 bridge structure and the water surface. The department may grant an
2505 exception based on engineering justification provided by the applicant.
2506
- 2507 (C) A person must design and align the bridge to avoid affecting the hydraulics of
2508 the watercourse and causing bed scour and bank erosion.
2509
- 2510 (D) A person must design the bridge to pass ice, debris and sediment likely to
2511 move under the bridge during the design flood flow.

- 2512 (E) All bridge elements that may come in contact with waters of the state,
2513 including but not limited to abutments, piers, pilings, sills, foundations,
2514 armor rock, riprap, aprons, wing walls, and approach fills must be placed
2515 landward of the ordinary high water line. The requirement excludes mid-
2516 channel piers as specified in (B) below.
2517
- 2518 (F) The design must avoid pier placement waterward of the ordinary high water
2519 line, where practicable. Where mid-channel piers are necessary, place them
2520 on deep foundations so no additional scour protection is required.
2521
- 2522 (G) The distance between mid-channel piers, or between a mid-channel pier and
2523 the bank, must be sufficient to allow the passage of ice and debris expected
2524 during one-hundred year flood flows or the design flood flow approved by
2525 the department.
2526
- 2527 a. A bridge in a watercourse with an active floodplain must have a span
2528 wide enough to prevent a significant increase in the main channel
2529 average velocity. This velocity must be determined at the one hundred-
2530 year flood flow or the design flood flow approved by the department.
- 2531 b. A person must use a stream bypass structure approved by the
2532 department to separate mid-channel construction from waters of the
2533 state.
2534
- 2535 (H) A person must design (size) the bridge to account for the down-valley
2536 meander migration expected to occur during the bridge's lifespan to
2537 minimize the need for bank armoring.
- 2538 (I) Bank armoring associated with bridge design and construction must be
2539 limited to the amount necessary to support abutment and fill at a safe angle
2540 of repose. Bank armoring must not reduce the bridge span to less than
2541 required in provision (i)(E) in this subsection.
2542
- 2543 (J) Where there are existing flood control levees at the bridge construction site,
2544 or other infrastructure that is not the property of the bridge owner, the
2545 department may approve a shorter bridge span than required in subsections
2546 (A), (B) and (C) of this section.
2547
- 2548 (ii) A stream simulation culvert designed and constructed to comply with the
2549 following requirements:
2550

- 2551 (A) The width of the channel-bed inside a stream simulation culvert at the
2552 elevation of the streambed must be equal to or greater than one and two-
2553 tenths times the average bankfull width plus two feet.
2554
- 2555 (B) The stream simulation culvert is set at the same gradient as the prevailing
2556 stream gradient.
2557
- 2558 (C) The slope of the bed inside a stream-simulation culvert must not exceed the
2559 slope of the upstream channel by more than twenty-five percent.
2560
- 2561 (D) A person must countersink a stream simulation culvert a minimum of thirty
2562 percent and a maximum of fifty-percent of the culvert.
2563
- 2564 (E) The particle size of sediment placed inside the stream-simulation culvert
2565 must be plus or minus twenty percent of the median particle size found in
2566 the adjacent streambed. The department may approve exceptions.
2567
- 2568 (iii) A no-slope (zero-slope) culvert provided the channel is small and low gradient,
2569 and the design and construction complies with the following:
2570
- 2571 (A) The length of the culvert must not exceed seventy feet.
2572
- 2573 (B) The width of the channel-bed inside a no-slope culvert at the elevation of the
2574 streambed must be equal to or greater than the average bankfull width.
2575
- 2576 (C) A person must countersink a no-slope culvert a minimum of twenty percent
2577 of the culvert rise at the culvert outlet downstream and a maximum of forty-
2578 percent of the culvert rise at the culvert inlet upstream.
2579
- 2580 (D) The no-slope culvert must be filled to the depth of the countersink stated in
2581 (C) with material similar to what is found in the adjacent channel streambed
2582 unless either of the following conditions exist:
2583
- 2584 a. The culvert is located in a wetland or in an area where the channel-bed is
2585 predominately fine sediment and the culvert will be backwatered, or
2586
- 2587 b. The culvert will fill quickly because of the frequent rate of sediment
2588 transported through the culvert and does not cause excessive cutting or
2589 slumping of the upstream channel
2590

- 2591 (E) Combining the requirements for culvert width and countersinking, the
2592 culvert diameter must meet the following requirements:
2593
2594 a. For a circular culvert, the minimum culvert diameter must be equal to or
2595 greater than the average bankfull width plus twenty-five percent.
2596
2597 b. For a box or pipe arch culvert, the span must be equal to or greater than
2598 the average bankfull width.
2599
2600 (d) For design, a person must use a minimum of three typical bankfull widths measured
2601 in a freely alluvial stream reach or in a stream reach that is characteristic of natural
2602 stream processes. A person must measure widths that describe normal conditions
2603 at straight channel sections and outside the influence of any culvert, bridge
2604 abutments or other artificial or unique channel constriction.
2605
2606 (e) A person must embed the top of footings of bottomless culverts sufficiently below
2607 potential scour depth to prevent undermining and exposure of the footing surface.
2608
2609 (f) The department may require monitoring and contingency plans if it determines the
2610 design of a water crossing poses a risk of not providing these processes and
2611 functions in subsection (3)(b) of this section.
2612
2613 (g) A person can find appropriate methods to design water crossings in many published
2614 manuals and guidelines as well as *Water Crossing Design Guidelines* published by the
2615 Department.
2616
2617 (h) A person must remove all structural elements of the replaced water crossing
2618 structure including abutments, piers, pilings, sills, foundations, armor rock, aprons,
2619 wing walls, guide walls, culverts and approach fills, unless the new design
2620 incorporates the structural element or the department determines the structural
2621 element will not adversely affect fish life.
2622

2623 **(4) PERMANENT CULVERTS**
2624

- 2625 (a) A person must establish the culvert invert elevation with reference points (RPs) and
2626 clearly benchmarked (if surveyed) prior to starting work on this project. The RPs
2627 must be located, marked and protected to serve as post-project references.
2628
2629 (b) A person must install the culvert in the dry or in isolation from the stream flow by
2630 the installation of a bypass channel or culvert, or by pumping the stream flow

2631 around the work area. The department may grant exception if installing the culvert
2632 in the flowing stream reduces siltation or turbidity.

2633
2634 (c) The owner(s) must maintain the culvert as needed to ensure it meets the criteria
2635 stated in subsection (3) general requirements for permanent water crossings.

2636
2637 **(5) BRIDGES**

2638
2639 (a) A HPA is required for construction or structural work associated with any bridge
2640 structure waterward of or across the ordinary high water line of state waters. A HPA
2641 is also required for bridge painting and other maintenance where there is potential
2642 for wastage of paint, sandblasting material, sediments, or bridge parts into the
2643 water, or where the work, including equipment operation that will occur waterward
2644 of the ordinary high water line.

2645
2646 (b) If practicable, the bridge design must avoid the need for scour protection. If scour
2647 protection is unavoidable, the design must minimize the scour protection to the
2648 amount needed to protect piers and abutments. The design must specify the size
2649 and placement of the scour protection so it withstands expected peak flows.

2650 (c) A person must use biotechnical slope protection outside the bridge shadow. The
2651 department may grant exceptions for chronic instability, adverse road geometry, or
2652 other conditions outside the control of the owner.

2653
2654 (d) A person must place the foundation and superstructure landward of the ordinary
2655 high water line. If excavation or other construction activities take place waterward
2656 of the ordinary high water line, a person must isolate the construction site from
2657 waters of the state by use of an approved dike, cofferdam, or similar structure.

2658
2659 (e) A person must minimize damage to the bed when placing the bridge structure or
2660 stringers.

2661
2662 **(6) FORDS**

2663
2664 (a) Fords may be considered for permanent water crossing structures in watercourses
2665 which;

2666 (i) Are inaccessible due to snow pack, weather, or have conditions that
2667 seasonally limit access to the water crossing structure.

2668 (ii) Have extreme seasonal flow variations and low flows during anticipated
2669 ford use.

2670 (iii) Have low bank height and low gradient approaches.

2671 (iv) Have dynamic floodplains such as alluvial fans.

- 2672
- 2673 (b) Permanent fords must not impede fish passage.
- 2674
- 2675 (c) A person must construct fords perpendicular to the stream flow, or as close to
- 2676 perpendicular as practicable.
- 2677
- 2678 (d) Fords must be constructed using material approved by the department.
- 2679
- 2680 (e) A person must countersink the prism of the ford below the watercourse bed. A
- 2681 person must design the prism to withstand overtopping flood events, and natural
- 2682 debris.
- 2683
- 2684 (f) Fill associated with the driving surface of a permanent ford must consist of material
- 2685 that will not attract spawning fish.
- 2686
- 2687 (g) A person must protect the driving surface of ford approaches from erosion to ensure
- 2688 that erodible fines do not enter waters of the state.
- 2689
- 2690 **(7) TEMPORARY WATER CROSSINGS**
- 2691
- 2692 (a) The department must determine allowable placement of temporary water crossings and
- 2693 time limitations based on the specific fish resources of concern at the proposed location
- 2694 of the crossing.
- 2695
- 2696 (b) The design of the temporary crossing must maintain structural integrity at the peak flow
- 2697 expected to occur during installation.
- 2698
- 2699 (c) A person must remove the temporary water crossing and block all approaches to
- 2700 vehicular traffic prior to the expiration of the HPA.
- 2701
- 2702 (d) Where fish passage is a concern, a person must install the temporary water crossing
- 2703 according to a design approved by the department to provide unimpeded fish passage.
- 2704
- 2705 (e) The department may permit temporary fords only during the time of year that avoids
- the period when high stream flows or fish spawning or migration are expected.
- 2706
- 2707 (f) Construct fords perpendicular to stream flow, or as close to perpendicular as
- practicable.
- 2708
- 2709 (g) If fill is associated with the driving surface of a temporary ford, it must consist of clean
- washed gravel between one-quarter and four inches in diameter.
- 2710
- (h) If the natural streambed is composed of smaller material than gravel, then the

2711 temporary ford design must maintain a positive separation between the watercourse
2712 bed and all fill associated with the ford to ensure that material used in ford construction
2713 is removable.

2714 **(8) WATER CROSSING REMOVAL**

2715
2716 The person must remove the replaced or temporary water crossing and imported fill unless the
2717 department has authorized them to remain. The person must reshape the bed and bank areas
2718 to the configuration approved by the department. The person must protect the job site from
2719 erosion and revegetate the site.

2720

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2721 **220-110-220 Fishways**

2722 The requirements in this section apply to fish ladders, weirs constructed for fish passage
2723 management, roughened channels, trap-and-haul operations, and hydraulic design culvert
2724 retrofits. All projects must meet the requirements in WAC 220-110-090 – General mitigation
2725 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
2726 apply to the specific project.

2727

2728 **(1) DESCRIPTION**

2729 Fishways facilitate the passage of fish through or around a barrier. They restore
2730 upstream and downstream fish access to habitats that have become isolated by human
2731 activities (e.g., placement of culverts, dams, and other artificial obstructions). Fishways
2732 can be mitigation measures for adverse effects associated with flow control structures.

2733 **(2) FISH LIFE CONCERNS**

2734 Barriers can block fish from using productive upstream spawning and rearing habitat.
2735 However, the department generally does not recommend the use of fishways because they
2736 potentially are partial barriers to fish passage when compared to the aquatic ecosystem in
2737 its natural condition. Fish passage structures that primarily consider the passage of one
2738 species or class of species may unintentionally limit the passage of other important
2739 species. Species selection can alter species composition and community relationships
2740 upstream of the passage barrier, with important implications for conservation of
2741 individual species and biodiversity.

2742 **(3) GENERAL REQUIREMENTS**

2743 (a) The department may not authorize passage projects over natural barriers unless it is
2744 necessary to restore native fish species.

2745 (b) When applying for a permit for a fishway project, the applicant is responsible for
2746 providing the department site and biological information relevant to the specific
2747 project, such as information on species present, hydrology and topography, and
2748 existing adjacent structures.

2749 **(4) GENERAL FISHWAY DESIGN REQUIREMENTS**

2750 (a) The design must consider site-specific conditions that could affect the function of
2751 the fishway, including; meander migration or vertical change in streambed
2752 elevation; debris and bedload movement; tampering, vandalism and poaching.

2753 (b) Design and construct the fishway to withstand the maximum expected flow.

2754 (c) The passage mechanism may not result in significant migratory delays, or mortality
2755 to fish life due to disorientation, distraction, predation, stress, or injury.

2756 (d) Fishways must have the capacity to accommodate expected run sizes to prevent
2757 crowding and delay of the migration of fish life.

2758 **(5) GENERAL FISHWAY MAINTANCE AND OPERATION REQUIREMENTS**

2759 (a) An owner must maintain a fishway in an effective condition.

2760 (b) Continuously supply the fishway with sufficient water to safely and efficiently pass
2761 at least ninety percent of adult and juvenile fish, both upstream and downstream of
2762 the obstruction. If sufficient water is not available, fish must not be present, not be
2763 actively migrating, or must be able to pass safely without need of a fish passage
2764 facility.

2765 (c) An owner must inspect the fishway for proper function while fish are present, and
2766 must clear sediment and debris at a frequency determined by the department.

2767 (i) Place wood and sediment retrieved during inspection and maintenance
2768 downstream of the fishway.

2769 (ii) Individuals performing operations or maintenance must be sufficiently
2770 trained to operate the fishway.

2771 (iii) Inspect the fishway after floods and spring runoff to ensure that the
2772 structure is free of ice, debris, and bedload material.

2773 (d) Fishway operations may require shutdown of the facility during high flows if the
2774 flow exceeds the fish passage design flow.

2775 (e) A fishway may not be inoperable due to high flows for a period greater than seven
2776 days during the migration period for any fish species.

2777 **(6) TEMPORARY FISHWAYS**

2778 (a) Install temporary fishways to provide passage through temporary obstructions.
2779 Fishways may not be required if a barrier exists for such short duration that it is
2780 determined by the department that no lasting impacts to fish life will occur.

2781 (b) The department may approve temporary fishways when permanent structures are
2782 damaged or are under construction, maintenance, or repair, for enhancement
2783 projects, or for seasonal water diversion structures such as irrigation diversion dams.

2784 (c) Temporary fishways must remain operational for the duration of the temporary
2785 obstruction and must be maintained and adjusted as necessary to provide efficient
2786 passage of fish life.

2787 **(7) FISH LADDERS**

2788 (a) The department may authorize a fish ladder under the following situations:

2789 (i) The fish ladder will enable fish passage at an existing barrier, but only until the
2790 existing barrier structure has reached the end of its design life.

2791 (ii) The department determines that a bridge, culvert, or roughened channel is not
2792 practicable due to the nature of the obstruction as a flow control structure or
2793 the slope of the stream.

2794 (b) The department may require additional mitigation if the fish ladder cannot pass all
2795 fish.

2796 (c) The design of the fish ladder must be appropriate for the slope of the channel, water
2797 surface elevations, species present, flow regime, and conditions of the channel.

2798 (d) The fishway must prevent fish from leaping out of the structure.

2799 (e) All edges and surfaces exposed to fish must be rounded or ground smooth to the
2800 touch, with all edges aligning in a single smooth plane, to reduce the potential for
2801 contact injury.

2802 (f) The fish ladder pool volume must provide the hydraulic and fish capacity necessary
2803 for passage of all adult and juvenile fish.

2804 (g) Fish ladder entrance:

2805 (i) Must provide sufficient streaming attraction flow during high and low flows,
2806 without excessive velocity or turbulence, to ensure fish can locate and enter the
2807 fish ladder without significant delay.

2808 (ii) Must minimize distractions that lure fish away from the entrance to prevent fish
2809 from becoming trapped, injured, or stranded.

2810 (iii) Must be large enough to accommodate all expected debris and ice without
2811 damage or loss of passage efficiency.

2812 (iv) Entrance pools and transition channels must provide a stable flow pattern and
2813 uniform velocity to allow fish to pass through the structure unimpeded.

- 2814 (v) The department will require multiple entrances if a single entrance cannot
2815 attract and provide passage to all adult and juvenile fish. If the project site has
2816 multiple zones where fish accumulate, each zone must have a minimum of one
2817 entrance.
- 2818 (vi) The department may require artificial light to optimize fish passage.
- 2819 (h) Fish ladder auxiliary water system:
- 2820 (i) The department may require an auxiliary water system (AWS) to supply
2821 supplementary water to ensure fish are attracted to the fish ladder.
- 2822 (ii) Design the diffuser to discourage attraction of fish life to it and to protect fish
2823 from injury.
- 2824 (iii) Size spaces between diffuser bars to exclude and prevent injury to the smallest
2825 fish present.
- 2826 (iv) The department may require screening of the AWS to prevent harm to fish life.
- 2827 (v) The department may require a trash rack at the AWS intake.
- 2828 (vi) The auxiliary water supply may not use water from external sources that could
2829 confuse the homing instinct of fish.
- 2830 (i) Exit
- 2831 (i) The water depth exit must be comparable to the depth within the fish ladder.
- 2832 (ii) Locate the fish ladder exit to ensure fish can exit the structure and continue
2833 their upstream migration.
- 2834 (iii) Protect the fish ladder exit from damage by debris.
- 2835 (iv) Do not locate the exit in an area that could threaten fish survival.
- 2836 **(8) WEIRS FOR FISH PASSAGE**
- 2837 (a) Weirs must control water surface elevation to provide fish passage over or through
2838 an obstruction.
- 2839 (b) Weirs must minimize impacts to natural channel geometry.
- 2840 (c) Weirs must ensure continued fish passage for all species present at all mobile life
2841 stages.

2842 A. The department may grant exceptions in cases when it is implementing a
2843 program to restore native fish species or to protect native fish species from
2844 the introduction of non-native fish species and fish passage blockage is part
2845 of the project.

2846 **(9) ROUGHENED CHANNELS**

2847 (a) The department may authorize a roughened channel to facilitate the passage of fish
2848 around abrupt hydraulic drops, through culverts, or at diversion sites for water
2849 withdrawal.

2850 (b) Only trained engineers, hydrologists, fisheries biologists, or geomorphologists may
2851 develop roughened channel designs. Construction of roughened channels may not
2852 begin until the department approves the design.

2853 (c) The department may require a roughened channel to bypass around an obstruction
2854 where non-leaping fish are present or when other types of fishways would not
2855 sufficiently pass fish.

2856 (d) Roughened channels must meet the hydraulic requirements of hydraulic design
2857 culverts, such as velocity, drop, turbulence, and flow requirements.

2858 (e) Roughened channels must minimize impact on the existing fish life and its habitat in
2859 the channel.

2860 (f) The roughened channel bed material must be of a size and gradation to resist
2861 erosion at the design flood and must result in a dense structure that prevents
2862 subsurface flow.

2863 **(10) TRAP-AND-HAUL OPERATIONS**

2864 Installation and removal of fish traps for trap and haul activities requires an HPA.

2865 **(11) HYDRAULIC DESIGN CULVERTS**

2866 (a) The department may permit hydraulic design culverts to enable fish passage at an
2867 existing barrier until the existing barrier structure has reached the end of its design
2868 life or, under exceptional circumstances, where other culvert methods cannot apply.

2869 (b) To obtain a permit to construct a culvert using the hydraulic design method, a
2870 person must submit hydrology data and hydraulic design documentation prepared
2871 by a licensed professional engineer that demonstrates compliance with this section
2872 to the satisfaction of the department.

2873 (c) Because hydraulic design culverts do not pass all fish species at all life stages, the
2874 department will require mitigation measures when approving these projects.

- 2875 (d) Culvert design must include consideration of flood capacity for current conditions
 2876 and future changes likely to occur within the stream channel, and debris and
 2877 bedload passage.
- 2878 (e) Plans submitted to the department for hydraulic design culverts must address the
 2879 following design criteria:
- 2880 (i) Minimum water depth at any location within a hydraulic design culvert without a
 2881 natural bed must be at least eight-tenths foot.
- 2882 (ii) The low flow to determine the minimum depth of flow in the culvert:
- 2883 A. The low flow design is the two-year seven-day low flow discharge for the
 2884 subject basin.
- 2885 B. When flow information is unavailable for the site, the department may
 2886 authorize the use of calibrated flows from a comparable gauged site or the
 2887 depth of the culvert when no water is flowing.
- 2888 (iii) Maximum water velocity may not exceed the values in Table 1 at any point within
 2889 the culvert. Measure maximum water velocity at the high fish passage design
 2890 flow.

2891 Table 1: 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

- 2892
- 2893 (f) The maximum hydraulic drop within the culvert or at the culvert inlet or outlet may
 2894 not exceed one-half foot.
- 2895 (g) Water turbulence within the culvert may not be a barrier to fish passage.
- 2896 (h) The department may modify design flow criteria for specific proposals as necessary
 2897 to address unusual fish passage requirements, where a person provides other
 2898 approved methods of empirical analysis, or where the department has approved fish
 2899 passage requirements of other special facilities.

2901 **220-110-230 Channel change/ realignment**

2902 All projects must meet the requirements in WAC 220-110-090 – General mitigation
2903 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
2904 apply to the specific project.

2905 **(1) DESCRIPTION**

2906 Artificial realignment and relocation of channels has two main purposes; to reconfigure
2907 the river or stream to support human uses and to restore habitat lost because of human
2908 uses. A person may relocate a channel where erosion threatens a building or road.
2909 Channel relocation is often a means to solve problems of channel encroachment and/or
2910 confinement, and foster the development of a new, static channel with healthy riparian
2911 buffers. A person can relocate the entire channel to a new alignment, or just move the
2912 channel side-to-side within the existing alignment. Channel relocation permanently
2913 changes the location of the channel while preserving or recreating other characteristics,
2914 such as the overall channel profile, pattern, cross-section, and bed elevation.

2915
2916 **(2) FISH LIFE CONCERNS**

2917 Channel change/realignment is a major undertaking involving the reconstruction of the
2918 channel bed, habitat features, channel banks, and floodplain. In-channel work will have
2919 a much greater impact on the bank and channel when compared with off-channel work.
2920 Channel realignment and bank regrading will destroy bank and bed habitat in the active
2921 channel and will temporarily lead to elevated suspended sediment concentrations. This
2922 may result in the downstream burial of invertebrates, elevated suspended solids, and
2923 habitat destruction.

2924
2925 Preventing a channel from naturally migrating across the floodplain eliminates sources
2926 of woody material, sediment, and side channels needed to maintain and create fish
2927 habitat. Natural channels evolve over time and migrate across their floodplains. When a
2928 channel naturally moves to a new alignment, it leaves behind important fish habitat
2929 such as floodplain sloughs and side channels. These habitats have a limited longevity,
2930 sometimes less than twenty years. If the natural channel processes are restricted or
2931 interrupted, these habitats will diminish because the impaired channel processes cannot
2932 replace them.

2933
2934 **(3) REQUIREMENTS**

2935 (a) The department discourages channel changes/realignments and will only approve
2936 them where the applicant can demonstrate benefits or lack of adverse impact to fish
2937 life.

- 2938 (b) When approved, a channel change may occur provided:
- 2939 (i) Permanent new channels must be, at a minimum, similar in length, width, depth,
2940 flood plain configuration, and gradient, as the old channel. The new channel
2941 must incorporate fish habitat components, bed materials, meander
2942 configuration, and native or other approved vegetation equivalent to or greater
2943 than that which previously existed in the old channel.
- 2944 (ii) During construction, the new channel must be isolated from the flowing stream
2945 by plugs at the upstream and downstream ends of the new channel.
- 2946 (iii) Before water is diverted into a permanent new channel, a person must complete
2947 the following actions:
- 2948 (A) Install approved fish habitat components, bed materials and bank protection
2949 to prevent erosion.
- 2950 (B) Install approved fish habitat components according to an approved design to
2951 withstand the 100-year peak flows.
- 2952 (c) A person must divert flow into a new channel by: (a) First removing the downstream
2953 plug; (b) removing the upstream plug; and (c) closing the upstream end of the old
2954 channel.
- 2955
- 2956 (d) Filling of the old channel must begin from the upstream closure and the fill material
2957 shall be compacted. Water discharging from the fill must not adversely affect fish
2958 life.
- 2959
- 2960 (e) The angle of the structure used to divert the water into the new channel must allow
2961 a smooth transition of water flow.
2962

2963 **220-110-240 Large woody material removal and relocation in**
2964 **freshwater areas**

2965
2966 All projects must meet the requirements in WAC 220-110-090 – General mitigation
2967 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
2968 apply to the specific project.

2969 **(1) DESCRIPTION**

2970 Large woody material (LWM) is trees and tree parts that mainly enter s stream channels
2971 from stream bank undercutting, wind throw and slope failures. Public agencies and
2972 others remove and relocate large woody material where it is necessary to address a
2973 threat to life, the public, or property.

2974
2975 **(2) FISH LIFE CONCERNS**

2976 Large woody material provides shelter for fish from high flows and predators. Sediment
2977 trapped by large woody material may create spawning areas for salmon and trout.
2978 Large woody material also provides habitat for aquatic insects that fish eat.

2979
2980 Large woody material plays a major role in the shape of stream channels by forming
2981 pools and increasing stream meandering and sediment storage. Large woody material
2982 dissipates flow energy, resulting in improved fish migration and channel stability.

2983
2984 **(3) GENERAL REQUIREMENTS**

2985 (a) The department may approve the removal of large woody material from
2986 watercourses where it is necessary to address an immediate threat to life, the
2987 public, or property.

2988 (b) The department will approve the relocation of large woody material within the
2989 watercourse where it is necessary to protect life, the public, property, or where it is
2990 necessary to conduct a hydraulic project. The department will require the
2991 placement of the wood directly back in the channel or in the floodplain, side
2992 channels, or banks.

2993
2994 (c) A person must station equipment on the bank, bridge, or other approved structure
2995 when removing or relocating large woody material.

2996 (d) A person must suspend large woody material during removal so it does not damage
2997 the bed or banks. A yarding corridor or full suspension is required to avoid damage

- 2998 to riparian vegetation. Where necessary, the department may authorize a person to
2999 cut the large woody material to a size that allows suspension during removal.
- 3000 (e) A person must use skid logs or similar methods to avoid bank damage where they
3001 cannot suspend large woody material above the bed and banks. Upon completion of
3002 the yarding operation, a person must remove skid logs in a manner that avoids
3003 damage to streambanks and vegetation, and restore the bank to preproject
3004 condition.
- 3005 (f) A person may not disturb large woody material embedded in a bank or bed except
3006 where the department authorizes removal.
- 3007 (g) A person must minimize the release of bedload, logs, or debris downstream when
3008 removing or repositioning large woody material.
- 3009 (h) A person must fill and smooth over depressions created in gravel bars. Fill material
3010 must be sloped upwards toward the bank on a minimum two percent gradient.
- 3011

3012 **220-110-250 Beaver dam management**

3013 All projects must meet the requirements in WAC 220-110-090 – General mitigation
3014 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
3015 apply to the specific project.

3016 **(1) DESCRIPTION**

3017
3018 A person may need to remove, breach or modify a beaver dam to prevent flooding of
3019 private and public land or infrastructure. Removal is normally accomplished using hand
3020 tools or equipment such as backhoes.

3021
3022 Installation of a water level (flow) control device is a preferred alternative to dam
3023 removal or breaching. A person can install a water level control device to maintain a
3024 desirable beaver wetland. These devices are installed at the intended depth, extending
3025 upstream and downstream of the dam. This preserves the ponds habitat benefits.

3026
3027 Another alternative to dam removal or breaching is the installation of a beaver exclusion
3028 device. These devices prevent beavers from building a dam at the mouth or inside of
3029 culverts and blocking water flow.

3030
3031 **(2) FISH LIFE CONCERNS**

3032 Beaver ponds often provide valuable fish rearing habitat. Ponds also provide surface
3033 water and bank storage that improves summer flows. It is important to exercise caution
3034 when breaching or removing a dam. These activities can negatively affect fish, shellfish
3035 and their habitat by de-watering the upstream pond, stranding fish, releasing sediment
3036 and large volumes of water (that can be devoid of oxygen, particularly in winter)
3037 downstream. The release of sediment can affect downstream spawning areas. The
3038 breaching or removal of a beaver dam may not prevent future beaver activity in the
3039 area. Persistent breaching or removal of a beaver dam can increase the risk of negative
3040 impacts to fish habitat. In these instances, the department may recommend the
3041 landowner consider other beaver management techniques.

3042 **(3) PROTECT FISH AND SHELLFISH HABITAT WHEN REMOVING OR BREACHING A BEAVER**
3043 **DAM**

3044
3045 (a) The department must evaluate whether or not compensatory mitigation is required
3046 to offset habitat loss caused by the removal or breaching of any beaver dam more
3047 than one year old.

3048

3049 (b) The department may allow the use of explosives to remove a beaver dam if they
3050 determine it is the least impacting alternative.

3051
3052 (c) A person removing or breaching a beaver dam must comply with the following
3053 requirements:

3054
3055 a. Install effective sediment and erosion control measures before starting work
3056 to prevent the entry of sediment into the watercourse. Inspect them
3057 regularly during the course of construction and make all necessary repairs if
3058 any damage occurs.

3059
3060 b. Beaver dam management activities must take place when the work will cause
3061 the least impact to fish life. Except in the case of emergency or imminent
3062 danger, all work must occur in summer low flow periods when incubating fish
3063 are less likely to be present.

3064
3065 c. Remove or notch beaver dams by hand or with hand-held tools and hand
3066 operated or motorized winches.

3067
3068 d. Remove the dam gradually to allow the water to release slowly and prevent
3069 the downstream release of accumulated sediment at the bottom of the
3070 pond. The notch must not extend below the height of the accumulated
3071 sediment.

3072
3073 e. The width of the breach in the beaver dam must not exceed the width of the
3074 original stream channel to prevent bank erosion and flooding of adjacent
3075 properties.

3076
3077 f. The department will specify the order to breach or remove a series of dams
3078 to avoid severe flooding and damage to fish habitat.

3079
3080 g. During and immediately after removal, monitor upstream and downstream
3081 for fish in isolated pools or stranded. Capture and safely move all stranded or
3082 isolated fish to the nearest free-flowing water.

3083 **(4) PROTECT FISH AND SHELLFISH HABITAT WHEN INSTALLING WATER LEVEL CONTROL**
3084 **DEVICES**

3085 (a) A person installing a water level control device shall comply with the following
3086 requirements:

3087

- 3088 a. Design and install water level control devices so that during low flows (when
3089 beaver are more actively increasing dam height) the flow passes through the
3090 device.
- 3091 b. Design and install water level control devices so that during high flows (when fish
3092 are moving and beaver are less likely to be adding height to their dam) the
3093 device will pass sufficient flow over and around the dam to pass fish.
- 3094 c. Install water level control devices in beaver ponds with pool depth of four feet or
3095 more. If the water level control device is installed in water shallower than four
3096 feet, the design must have an enclosure to protect the water intake.
3097
- 3098 d. Maintain the water level control device to ensure it functions as designed.

3099 **(5) PROTECT FISH AND SHELLFISH HABITAT WHEN USING EXCLUSION DEVICES**

3100 Design, install, and maintain guards, grates, grills, fences and other beaver exclusion
3101 devices to provide unimpeded fish passage and to prevent beavers from plugging a
3102 culvert in fish-bearing waters.

3103

3104 **220-110-260 Pond construction**

3105
3106 All projects must meet the requirements in WAC 220-110-090 – General mitigation
3107 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
3108 apply to the specific project.

3109 **(1) DESCRIPTION**

3110
3111 A person may construct a pond for livestock watering, irrigation, fire protection or
3112 another purpose.

3113
3114 **(2) FISH LIFE CONCERNS**

3115 A person must physically preclude fish from entering ponds not intended as fish habitat
3116 to prevent fish from being injured or killed.

3117
3118 **(3) GENERAL REQUIREMENTS**

3119
3120 (a) The department must not authorize the construction of ponds within the watercourse.

3121
3122 (b) A person must design and construct the pond to protect fish life:

3123
3124 (i) Design, construct, and screen ponds to prevent the entry of fish unless the pond will
3125 provide beneficial habitat, as determined by the department, in which case, the
3126 design and construction must provide free and unrestricted fish access.

3127
3128 (ii) Locate the pond return flow to minimize the length of the bypass reach unless the
3129 intent of the bypass reach is to enhance fish life or habitat.

3130
3131 (iii) Pond construction activities involving diversion of state waters are dependent upon
3132 first obtaining a water right. This requirement does not apply to construction of
3133 stormwater pond facilities landward of the ordinary high water line.

3134
3135 (iv) Isolate the work area from the watercourse during construction of the pond,
3136 diversion system, and the return flow system.

3137
3138 (v) Design and construct the pond so the outflow temperature is not harmful to fish life.

3139

3140 **220-110-270 Water diversions and intakes**

3141
3142 All projects must meet the requirements in WAC 220-110-090 – General mitigation
3143 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
3144 apply to the specific project.

3145
3146 **(1) DESCRIPTION**

3147
3148 Surface water diversions are common instream features in agricultural areas where the
3149 water is used for irrigation. Throughout the state, people also divert water for
3150 hydropower, industrial, recreational, residential, municipal, and hatchery purposes.
3151 Washington State law (RCW 77.57.070 and RCW 77.57.010) requires that all surface
3152 water diversions be screened to prevent fish from being drawn into the diversions
3153 where they are at risk for injury or mortality.

3154
3155 **(2) FISH LIFE CONCERNS**

3156
3157 To protect fish, including salmon and steelhead, Washington State law (RCW 77.57.070
3158 and RCW 77.57.010) requires that all surface water diversions be screened to prevent
3159 fish from being drawn into the diversions where they are at risk for injury or death.

3160
3161 **(3) LIMIT OF AUTHORITY**

3162
3163 (a) A written HPA is not required for emergency water diversions during emergency fire
3164 response. A person must notify the department prior to the emergency diversion,
3165 when possible. When prior notification is not possible, a person must notify the
3166 department within twenty-four hours of the emergency diversion.

3167
3168 (b) The department cannot use the hydraulic code to limit the amount or timing of
3169 water diverted under a water right. However, the department requires an HPA for
3170 work that will use, divert, obstruct, or change the natural flow or bed of any of the
3171 salt or fresh waters of the state, or that will utilize any of the waters of the state in
3172 order to divert water pursuant to a water right.

3173
3174 (c) Regulation of water flow from a permanent irrigation structure by operating valves,
3175 or manipulating stop logs, check boards or headboards, does not require an HPA.
3176 Any hydraulic project activity related to a change in the manner or location of water
3177 diversion will require an HPA modification.

3178
3179 (d) The department must allow a person who has gravel berm dam diversion permitted
3180 by the department prior to January 1994 to continue to have the dam provided it

3181 complies with the provisions of the HPA. However, the department can condition
3182 the approval of gravel berms.

3183

3184 **(4) WATER DIVERSION AND INTAKE REQUIREMENTS**

3185

3186 (a) A person must construct a gravel berm dam of gravels available on site waterward of
3187 the ordinary high water line, or of clean round gravel transported to the site. Bed
3188 disturbance must be limited to the minimum necessary to achieve the provisions of
3189 the water right. A person must not use dirt from outside the ordinary high water
3190 line to seal the dam and logs or woody material waterward of the ordinary high
3191 water line for construction of the dam, unless specifically authorized.

3192

3193 (b) Logs and large woody material may be relocated waterward of the ordinary high
3194 water line, if they block water flow into the ditch or inhibit construction.

3195

3196 (c) As long as the a person can divert enough water to satisfy the water right, the
3197 diversion dam must be constructed so that it does not hinder upstream and
3198 downstream adult and juvenile fish passage. If passage problems develop,
3199 department personnel may require modification of the gravel berm dam. after
3200 consultation with the owner.

3201

3202 (d) At pump stations, screens and headgate areas, a person may use a backhoe or
3203 suction dredge to remove accumulated silts and gravel from the pumping sump. A
3204 person must place material removed so it will not reenter state waters.

3205

3206 (e) Any device used for diverting water from a fish-bearing watercourse must be
3207 equipped with a fish guard to prevent passage of fish into the diversion device
3208 pursuant to RCW [75.20.040](#) and [77.16.220](#).

3209

3210 (f) Diversion canals must be maintained (sediment and debris removal) to provide
3211 maximum hydraulic gradient in the diversion canal in order to minimize the need for
3212 work within the natural watercourse.

3213

3214 (g) A person must first obtain a water right before they can construct a structure that
3215 diverts state waters.

3216

3217 **220-110-280 Outfall structures in freshwater areas**

3218 All projects must meet the requirements in WAC 220-110-090 – General mitigation
3219 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
3220 apply to the specific project.

3221 **(1) DESCRIPTION**

3222 Outfalls move water from one place to another, typically to a body of water. They may
3223 convey irrigation water, stormwater, or other waste materials.

3224
3225 **(2) FISH LIFE CONCERNS**

3226
3227 Outfalls can increase erosion and lead to an increase in sediment supply to downstream
3228 reaches of rivers and streams, trap (accumulation) of sediment, entrain fish and cause a
3229 direct loss of bank side riparian habitat.

3230
3231 **(1) LIMIT OF AUTHORITY**

3232
3233 (a) The department may not condition HPAs for storm water discharges in locations
3234 covered by a national pollution discharge elimination system municipal storm water
3235 general permit for water quality or quantity impacts. The HPA is required only for
3236 the actual construction of any storm water outfall or associated structures.

3237
3238 (b) In locations not covered by a national pollution discharge elimination system
3239 municipal storm water general permit, the department may issue HPAs that contain
3240 provisions that protect fish life from adverse effects, such as scouring or erosion of
3241 the bed of the water body, resulting from the direct hydraulic impacts of the
3242 discharge.

3243
3244 (i) Prior to the issuance of an HPA under this subsection, the department must:

3245
3246 (A) Make a finding that the discharge from the outfall will cause harmful effects
3247 to fish life:

3248
3249 (B) Transmit the findings to the applicant and to the city or county where the
3250 project is being proposed; and

3251
3252 (C) Allow the applicant an opportunity to use local ordinances or other
3253 mechanisms to avoid the adverse effects resulting from the direct hydraulic
3254 discharge. The forty-five day requirement for HPA issuance under RCW

3255 77.55.021 is suspended during the time period the department is meeting
3256 the requirements of this subsection.

3257
3258 (ii) After following the procedures in (b) of this subsection, the department may
3259 issue an HPA that prescribes the discharge rates from an outfall structure that
3260 will prevent adverse effects to the bed or flow of the waterway. The department
3261 may recommend, but not specify, the measures required to meet these
3262 discharge rates. The department may not require changes to the project design
3263 above the mean higher high water mark of marine waters, or the ordinary high
3264 water mark of freshwaters of the state.

3265
3266 **(2) CONSTRUCTION REQUIREMENTS**

- 3267
3268 (a) Construct the outfall structure according to a design approved by WDFW to prevent
3269 the entry of adult or juvenile fish. Refer to RCW [75.20.040](#) and [77.16.220](#) on fish
3270 screens.
- 3271
3272 (b) Protect the watercourse bank and bed at the point of discharge using bioengineering
3273 methods or other department-approved methods to prevent scouring.
- 3274
3275 (c) Design and locate outfalls so that outflow or any associated energy dissipaters do
3276 not cause loss of fish and shellfish habitat. The department may require that energy
3277 be dissipated using one or more of the following methods, or other effective method
3278 proposed by a person:
- 3279
3280 (i) Existing natural habitat features (large logs, root wads, natural large rocks or
3281 rock shelves, etc.), without degrading these features;
- 3282
3283 (ii) Pads of native plants (shrubs and grasses) and biodegradable fabric;
- 3284
3285 (iii) Imported fish habitat components (large woody material);
- 3286
3287 (iv) Manufactured in-line energy dissipaters, such as a tee diffuser;
- 3288
3289 (v) Rounded rock energy dissipation pads;
- 3290
3291 (vi) Angular rock energy dissipation pads, if other options are impracticable.
- 3292

3293 **220-110-290 Utility crossings in freshwater areas**

3294 All projects must meet the requirements in WAC 220-110-090 – General mitigation
3295 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
3296 apply to the specific project.

3297 **(1) DESCRIPTION**

3298
3299 Utility lines are cables and pipelines that transport gas, telecommunications, fiber
3300 optics, power, sewer, oil and water lines underneath watercourses.
3301

3302 **(2) FISH LIFE CONCERNS**

3303
3304 Utility crossings pose a risk to fish and fish habitat due to potential changes of
3305 substrates, destabilization of stream banks and channels, loss of riparian habitat, and
3306 release of excessive sediment once stream flows resume. Trenching through stream
3307 banks and channels alters habitat and substrate characteristics and hence their
3308 productivity. Trenching may also cause the proportion of surface and subsurface flows
3309 to shift, altering stream hydrology.
3310

3311 The department prefers trenchless crossing methods that cause very little disturbance
3312 to the streambed and banks such as high-pressure directional drilling or punch and bore
3313 crossings.
3314

3315 **(3) REQUIREMENTS**

- 3316
3317 (a) Align the conduit as nearly perpendicular to the watercourse as possible.
- 3318 (b) Avoid crossing on meander bends, braided streams, alluvial fans, active floodplains or
3319 any other area that is inherently unstable and may result in the erosion and scouring of
3320 the streambed.
- 3321 (c) Avoid areas of groundwater upwelling or locations directly upstream of fish spawning
3322 areas.
- 3323 (d) Install the conduit at sufficient depth below the watercourse to prevent natural scouring
3324 of the streambed from exposing the pipeline or cable. Trench widths should be as
3325 narrow as possible to accommodate the pipe/line and achieve that depth.
- 3326 (e) If the method used is boring or jacking:
- 3327 (i) Isolate pits shall be isolated from surface water flow; and

- 3328 (ii) Route wastewater from project activities and dewatering to an area outside the
3329 ordinary high water line to allow removal of fine sediment and other contaminants
3330 prior to discharging the wastewater to state waters.
- 3331 (d) If the method used is trench excavation:
- 3332 (i) Excavate trenches in the dry or isolate them from the flowing watercourse by the
3333 installation of a cofferdam, culvert, flume, or other approved method;
- 3334 (ii) Plowing, placement, and covering must occur in a single pass of the equipment; and
- 3335 (iii) Limit disturbance of the bed because of the plowing operation to the amount
3336 necessary to complete the project.
- 3337 (e) If the method used is directional drilling:
- 3338 (i) Design the drill path to an appropriate depth below the watercourse to minimize the risk of frac-out and to
3339 a depth to prevent exposure of the line due to natural scouring of the streambed.
- 3340 (ii) Locate the drill entry and exit points away from the banks of the watercourse to minimal impact on these
3341 areas.
- 3342 (f) Backfill trenches with approved materials and return the bed to preproject condition.
3343
- 3344 (g) Dispose of excess spoils so they will not to reenter the watercourse.
3345
- 3346 (h) Isolate the conduit approach trench from the watercourse until laying of the conduit
3347 across the watercourse takes place.
3348

3349 **220-110-300 Felling and yarding of timber**

3350 All projects must meet the requirements in WAC 220-110-090 – General mitigation
3351 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
3352 apply to the specific project.

3353 **(1) DESCRIPTION**

3354
3355 Timber felling includes “bucking” or cutting the felled tree into predetermined log
3356 lengths. Yarding, also referred to as skidding, is the movement of logs from the stump to
3357 the log landing. There are three major kinds of yarding systems; ground based, cable
3358 and aerial logging.

3359
3360 **(2) FISH LIFE CONCERNS**

3361
3362 Felling and yarding of timber can damage the aquatic and streambank riparian habitat.

3363
3364 **(3) REQUIREMENTS**

- 3365
3366 (a) A person must not fell trees into or across a watercourse, with identifiable bed or
3367 banks, except where the department authorizes in special provisions of an HPA.
3368
3369 (b) Trees or logs which enter a watercourse, with identifiable bed or banks, during
3370 felling or yarding must remain where they enter unless the department specifically
3371 authorizes the removal of parts or all of the trees or logs.
3372
3373 (c) A person must suspend logs transported across a watercourse, with identifiable bed
3374 or banks, so no portion of the logs or limbs can enter the watercourse or damage
3375 the bed and banks. The department requires yarding corridors or full suspension to
3376 prevent damage to riparian vegetation.
3377
3378 (d) A person may place cable tailholds watercourses, with identifiable bed or banks,
3379 provided they keep the number of yarding roads to a minimum. When changing
3380 roads, a person must move the cable around or over the riparian vegetation to avoid
3381 damage to the vegetation.
3382
3383 (e) A person must remove limbs or other small debris that enters the watercourse, with
3384 identifiable bed or banks, because of felling and yarding of timber, concurrently with
3385 each change in yarding road or within seventy-two hours after entry into the
3386 watercourse. They must place the limbs and other small debris outside the 50-year
3387 flood plain. A person must remove limbs or other small debris from dry

3388 watercourses prior to the normal onset of high flows. A person must not disturb
3389 large woody material that was in place prior to felling and yarding of timber.

3390

3391 (f) A person must take precautions to minimize the release of sediment to waters
3392 downstream from the felling or yarding activity. A person must use Sediment
3393 control devices, including, but not limited to, straw bales and filter fabric check
3394 dams, as necessary to avoid the release of sediment downstream. They must
3395 remove accumulated sediment from above check dams prior to their removal. The
3396 department may waive the requirement to provide sediment control where the
3397 seasonal restriction of operations provides adequate protection.

3398

3399 (g) A person must not conduct skidding, ground lead yarding or operate equipment
3400 within flowing waters in channels with defined bed or banks.

3401

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3402 **220-110-310 Aquatic plant removal and control**

3403 All projects must meet the requirements in WAC 220-110-090 – General mitigation
3404 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
3405 apply to the specific project.

3406 **(1) DESCRIPTION**

3407 This section covers the physical and mechanical methods for aquatic plant removal and
3408 control. It does not address aquatic plant control using grass carp, herbicides or water
3409 column dye.

3410 **(2) FISH LIFE CONCERNS**

3411 Beneficial plants (which include native plants) play a significant role in lakes and
3412 streams, by providing food and habitat for fish, stabilizing shorelines, and contributing
3413 to nutrient cycling. Sometimes beneficial plants can grow in overabundance. This is
3414 usually the result of excessive inputs of nutrients, such as nitrogen or phosphorus. In
3415 contrast, aquatic noxious weeds are invasive non-native plants that threaten our native
3416 vegetation, and fish, shellfish and their habitat.

3417 **(3) GENERAL REQUIREMENT**

3418
3419 Certain technical provisions are required depending upon the individual proposal and
3420 site-specific characteristics. Additional provisions may be included, as necessary to
3421 address site-specific conditions. Those provisions, where applicable, must be contained
3422 in the HPA (pamphlet or individual), as necessary to protect fish life. HPAs must have
3423 specific time limitations on project activities to protect fish life. Information concerning
3424 timing must be included with the pamphlet HPA. The department may apply saltwater
3425 provisions to tidally influenced areas upstream of river mouths and the mainstem
3426 Columbia River downstream of Bonneville Dam where applicable.

3427
3428 **(4) LIMIT OF AUTHORITY**

3429 Aquatic plants fall into two broad categories: “aquatic beneficial plants” (WAC 220-110-
3430 030; RCW 17.10.010 (10)) and “aquatic noxious weeds” (WAC 220-110-030; RCW
3431 17.10.010(10)).

3432 An activity conducted solely for the removal or control of *Spartina* does not require an
3433 HPA.

3434 An activity conducted solely for the removal or control of purple loosestrife and which is
3435 performed with hand-held tools, hand-held equipment, or equipment carried by a
3436 person when used does not require an HPA.

3437 Any other activity conducted solely for the removal or control of aquatic noxious weeds
3438 or aquatic beneficial plants must require either a copy of the current *Aquatic Plants and*
3439 *Fish* pamphlet HPA available from the department or an individual HPA.

3440 **(5) AQUATIC NOXIOUS WEED CONTROL**

3441 A person may complete aquatic noxious weed control projects year-round. Control of
3442 aquatic beneficial plants is subject to restrictions on timing as detailed in the *Aquatic*
3443 *Plants and Fish* pamphlet HPA or the individual HPA.

3444 (a) Aquatic Noxious Weed Early Infestations:

3445
3446 (i) The following methods are allowed for eradication of aquatic noxious weed early
3447 infestations:

3448
3449 (A) Hand removal or control

3450
3451 (B) Bottom barriers or screens

3452
3453 (C) Diver-operated dredging

3454
3455 (ii) The following methods must not be used to remove aquatic noxious weed early
3456 infestations:

3457
3458 (A) Weed rollers

3459
3460 (B) Mechanical harvesters and cutters

3461
3462 (C) Rotovators

3463
3464 (D) Dragline or clamshell dredges

3465
3466 (b) Permits by Pamphlet:

3467
3468 (i) Aquatic noxious weed management: The *Aquatic Plants and Fish* pamphlet
3469 permits following methods of aquatic noxious weed management. Section (c),
3470 below, specifies limitations on the pamphlet permit to protect sockeye
3471 spawning.

3472

- 3473 (A) Hand removal or control
3474
3475 (B) Bottom barriers or screens along fifty percent or less of the applicant's
3476 shoreline
3477
3478 (C) Weed rolling an area of 2,500 square feet or less
3479
3480 (D) Mechanical harvesting and cutting
3481
3482 (E) Diver-operated dredging
3483
3484 (ii) Aquatic beneficial plant management: In some circumstances, the *Aquatic*
3485 *Plants and Fish* pamphlet permits small-scale removal of aquatic beneficial
3486 plants. The pamphlet specifies timing restrictions. Section (c), below, specifies
3487 limitations on the pamphlet permit to protect sockeye spawning.
3488
3489 (A) Hand removal or control of aquatic beneficial plants to maintain an access for
3490 boating or swimming in a maximum area of 500 square feet.

3491 (B) Placement of biodegradable bottom barrier or screen and anchor material
3492 along a maximum length of ten linear feet of the applicant's shoreline.

3493 (iii) For aquatic plant control projects that rely on the *Aquatic Plants and Fish*
3494 pamphlet as an HPA, a copy of the current pamphlet must be on the job site at
3495 all times. Projects may incorporate mitigation measures as necessary to achieve
3496 no-net-loss of productive capacity of fish and shellfish habitat.
3497
3498 (c) Permits by Individual HPA:
3499
3500 (i) Sockeye Spawning Area Protection: Due to potential impacts to sockeye
3501 spawning areas, an individual HPA is required for raking, bottom barriers or
3502 screens, weed rolling, or dredging in Baker Lake and Lakes Osoyoos, Ozette,
3503 Pleasant, Quinault, Sammamish, Washington and Wenatchee. If the department
3504 authorizes raking, the department may require mitigation formalized through a
3505 written agreement between the applicant and the department for impacts to the
3506 spawning area.
3507
3508 (ii) Individual HPAs are required for the following methods of aquatic plant
3509 management:
3510
3511 (A) Hand removal or control of aquatic beneficial plants along more than ten
3512 linear feet of the applicant's shoreline

- 3513
- 3514 (B) Bottom barrier control of aquatic beneficial plants along more than ten linear
- 3515 feet of the applicant's shoreline
- 3516
- 3517 (C) Bottom barrier control of aquatic noxious weeds along more than fifty
- 3518 percent of the applicant's shoreline
- 3519
- 3520 (D) Diver-operated dredging of aquatic beneficial plants
- 3521
- 3522 (E) Mechanical harvesting and cutting of aquatic beneficial plants
- 3523
- 3524 (F) Weed rolling of any aquatic beneficial plants, or of aquatic noxious weeds in
- 3525 an area larger than 2,500 square feet
- 3526
- 3527 (G) Rotovation
- 3528
- 3529 (H) Aquatic plant dredging other than diver-operated dredging
- 3530
- 3531 (I) Water level manipulation
- 3532
- 3533 (iii) For aquatic plant control projects that require an individual HPA:
- 3534
- 3535 (A) Common provisions for aquatic plant control:
- 3536
- 3537 (I) Relocate existing fish habitat components such as logs, stumps, and
- 3538 large boulders within the watercourse if necessary to properly install
- 3539 equipment or barriers being used to control aquatic plants. Do not
- 3540 remove these habitat components from the watercourse. For hand
- 3541 removal or control, do not remove or disturb existing fish habitat
- 3542 components.
- 3543
- 3544 (II) When the selected method of aquatic plant control involves
- 3545 detaching aquatic noxious weeds from the substrate, removal of
- 3546 detached plants and plant fragments from the watercourse must be
- 3547 as complete as possible. Detached plants and plant fragments must
- 3548 be disposed of at an upland site so as not to reenter state waters.
- 3549
- 3550 (III) Every effort must be made to avoid the spread of plant fragments
- 3551 through equipment contamination. Persons or firms using any
- 3552 equipment to remove or control aquatic plants must thoroughly
- 3553 remove and properly dispose of all viable residual plants and viable

3554 plant parts from the equipment prior to the equipment's use in a
3555 body of water.

3556

3557 (B) Specific methods of control

3558

3559 (I) Hand removal or control

3560

3561 1. Work must be restricted to the use of hand-pulling, hand-held tools
3562 or equipment, or equipment that is carried when used.

3563

3564 2. Where possible, a person must remove the entire plant when using
3565 hand pulling for aquatic noxious weeds.

3566

3567 (II) Bottom barriers or screens

3568

3569 1. A person may leave a bottom barrier or screen and anchor material
3570 consisting of biodegradable material in place. A person must
3571 completely remove a bottom barrier or screen and anchor material
3572 that is not biodegradable within two years of placement to encourage
3573 recolonization of aquatic beneficial plants unless otherwise approved
3574 by the department.

3575 (I) Bottom barrier or screen material must be securely anchored with
3576 pea-gravel filled bags, rock or similar mechanism to prevent billowing
3577 and movement offsite.

3578

3579 (II) Bottom barrier or screen and anchors must be regularly maintained
3580 while in place to ensure the barrier or screen and anchors are
3581 functioning properly. Barriers or screens that have moved or are
3582 billowing must immediately be securely reinstalled or removed from
3583 the watercourse.

3584

3585 (C) Weed rolling is regulated by the common provisions listed in 220-110-XXX
3586 (X)(X)(X).

3587

3588 (D) Mechanical harvesting and cutting

3589

3590 (I) A person must conduct mechanical harvester and cutter
3591 operations in waters of sufficient depth to avoid bottom contact
3592 with the cutter blades.

3593

3594 (II) A person must operate a mechanical harvesters and cutters at all
3595 times to cause the least adverse impact to fish life.

3596
3597 (III) Fish life that may be entrained in the cut vegetation during
3598 mechanical harvester operations must be immediately and safely
3599 returned to the watercourse.

3600
3601 (E) Rotovation

3602
3603 (I) A person must operate rotovators at all times to cause the least
3604 adverse impact to fish life.

3605
3606 (II) Rotovation must not occur in fish spawning areas unless approved
3607 by the department.

3608
3609 (F) Aquatic plant dredging

3610
3611 (I) A person must conduct dredging at all times with dredge types
3612 and methods that cause the least adverse impact to fish life.

3613
3614 (II) Upon completion of the dredging, the bed must not contain pits,
3615 potholes, or large depressions to avoid stranding of fish.

3616
3617 (III) A person must remove plants and plant fragments from the
3618 dredge slurry prior to its return to the watercourse. Sediments
3619 containing seeds of invasive plants must not be returned to the
3620 watercourse; instead they must be properly disposed of at an
3621 upland disposal site.

3622
3623 (IV) A person must operate a hydraulic dredge with the intake at or
3624 below the surface of the material being removed. The intake
3625 must only be raised a maximum of three feet above the bed for
3626 brief periods of purging or flushing the intake system.

3627
3628 (V) Dredging must not be conducted in fish spawning areas unless
3629 approved by the department.

3630
3631 (VI) If a dragline or clamshell is used, it must be operated to minimize
3632 turbidity. During excavation, each pass with the clamshell or
3633 dragline bucket must be complete. Dredged material must not be
3634 stockpiled waterward of the ordinary high water line.

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3649

(G) Water level manipulation

- (I) A person must conduct water level manipulation to cause the least adverse impact to fish life.

- (II) Water level manipulation must occur gradually and in a controlled manner to prevent a sudden release of impounded water or sediments that may result in downstream bed and bank degradation, sedimentation, or flooding. A person must drawdown and brings back up water levels at rates predetermined in consultation with and approved by the department. A person must maintain instream flow requirements as they bring as water levels back up.

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3650 **220-110-320 Mineral prospecting**

3651 This chapter has rules necessary to protect fish life that apply to mineral prospecting projects.

3652 **(1) DESCRIPTION**

3653 Mineral prospecting projects excavate, process, or classify aggregate using hand-held
3654 mineral prospecting tools and mineral prospecting equipment. When prospectors locates
3655 valuable mineral through prospecting, they may attempt to recover larger quantities of the
3656 minerals using a variety of machines, including suction dredges, high bankers, and heavy
3657 equipment. The rules in this section apply to the use of hand-held mineral prospecting tools
3658 and small-motorized equipment. The rules do not apply to chemical mining.

3659
3660 **(2) FISH LIFE CONCERNS**

3661 Mineral prospecting and mining activities can harm fish and their habitat if not conducted
3662 properly. Direct impacts can include: (1) mortality from the physical effects of disturbing
3663 eggs or fry incubating within the bed; (2) mortality from passing vulnerable fish through
3664 mineral prospecting equipment; (3) lower environmental productivity resulting from habitat
3665 modifications (e.g., altered streambeds or water quality). Indirect impacts can include
3666 changes in food resources and human disturbances. The department minimizes impacts of
3667 mineral prospecting by restricting the type of mining equipment, limiting excavation zones
3668 within streams, and setting allowable work windows.

3670
3671 **(3) GENERAL REQUIREMENTS**

- 3672
- 3673 (a) A copy of the current Gold and Fish pamphlet is available from the department or its
3674 website, and it contains the rules which a person must follow when mineral
3675 prospecting under its authority.
 - 3676
 - 3677 (b) Alternatively, a person may request exceptions to the Gold and Fish pamphlet by
3678 applying for a standard individual written HPA as described in WAC 220-110-XXX.
3679 The department must deny an HPA when, in the judgment of the department, the
3680 project will result in direct or indirect harm to fish life, unless adequate mitigation
3681 can be assured by conditioning the HPA or modifying the proposal. The department
3682 may apply saltwater provisions to written HPAs for tidally influenced areas upstream
3683 of river mouths and the mainstem Columbia River downstream of Bonneville Dam
3684 where applicable.
 - 3685
 - 3686 (c) Nothing in Chapter 220-110 WAC relieves a person of the duty to obtain landowner
3687 permission and any other necessary permits before conducting any mineral
3688 prospecting activity.

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(4) MINERAL PROSPECTING IN FRESHWATER WITHOUT TIMING¹

- (a) A person may mineral prospect year-round in all freshwaters of the state, except lakes. A person must follow the rules listed below, but they do not need to have them on the job site when working in freshwaters of the state.

- (b) A person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment when mineral prospecting without timing restrictions:
 - (i) Pans;

 - (ii) Spiral wheels; and

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

- (c) A person may not use vehicle-mounted winches. A person may use one hand-operated winch to move boulders, or large woody material that is not embedded. A person may use additional cables, chains, or ropes to stabilize boulders, or large woody material that is not embedded.

- (d) A person may work within the wetted perimeter only from one-half hour before official sunrise to one-half hour after official sunset.

- (e) A person may not disturb fish life or redds within the bed. If a person observes or encounters fish life or redds within the bed, or actively spawning fish when collecting or processing aggregate, a person must relocate their operation. A person must avoid areas containing live freshwater mussels. If a person encounters live mussels during excavation, a person must relocate their operations.

- (f) Rules for excavating:
 - (i) A person may only excavate by hand or with hand-held mineral prospecting tools.

 - (ii) A person may not excavate, collect, or remove aggregate from within the wetted perimeter. See Figures 1 XXX and 2 XXX.

¹ This section has been altered in only minor ways from the rule as published in 2008, including that the figures have been omitted to make the file a little smaller.

- 3727 (iii) Only one excavation site per individual is allowed. However, a person may use a
3728 second excavation site as a settling pond. Multiple individuals may work within a
3729 single excavation site.
3730
- 3731 (iv) A person may not stand within, or allow aggregate to enter, the wetted
3732 perimeter when collecting or excavating aggregate.
3733
- 3734 (v) A person must fill all excavation sites and level all tailing piles prior to moving to
3735 a new excavation site or abandoning an excavation site. If a person moves
3736 boulders, a person must return them, as best as a person can, to their
3737 approximate, original location.
3738
- 3739 (vi) A person may not undermine, move, or disturb large woody material embedded
3740 in the slopes or located wholly or partially within the wetted perimeter. A
3741 person may move large woody material and boulders located entirely within the
3742 frequent scour zone, but a person must keep them within the frequent scour
3743 zone. A person may not cut large woody material. See Figure 2.
3744
- 3745 (vii) A person may not undermine, cut, or disturb live, rooted woody vegetation of
3746 any kind.
3747
- 3748 (viii) A person may not excavate, collect, or remove aggregate from the toe of the
3749 slope. A person also may not excavate, collect, or remove aggregate from an
3750 unstable slope or any slope that delivers, or has the potential to deliver,
3751 sediment to the wetted perimeter or frequent scour zone. See Figures 3 XXX and
3752 XXX.
3753
- 3754 (g) Rules for processing aggregate:
3755
- 3756 (i) A person may stand within the wetted perimeter when processing aggregate
3757 with pans; spiral wheels; and sluices.
3758
- 3759 (ii) A person may not stand on, process directly on redds, or disturb incubating fish
3760 life. A person may not allow tailings, or visible sediment plumes (visibly muddy
3761 water), to enter redds or areas where fish life are located within the bed.
3762
- 3763 (iii) A person may not level or disturb tailing piles that remain within the wetted
3764 perimeter after processing aggregate.
3765
- 3766 (iv) A person must classify aggregate at the collection or excavation site prior to
3767 processing, if a person collected or excavated it outside the frequent scour zone.

- 3768
3769 (v) A person may process only classified aggregate within the wetted perimeter
3770 when using a sluice.
3771
- 3772 (vi) The maximum width of a sluice, measured at its widest point, including
3773 attachments, must not exceed twenty-five percent of the width of the wetted
3774 perimeter at the point of placement.
3775
- 3776 (vii) A person may process with a sluice only in areas within the wetted perimeter
3777 that are composed primarily of boulders and bedrock. A person must separate
3778 sluice locations by at least fifty feet. A person may not place structures within
3779 the wetted perimeter to check or divert the water flow.
3780
- 3781 (viii) A person may operate mini high-bankers or other concentrators only outside the
3782 wetted perimeter. A person may only supply water to this equipment by hand or
3783 by a battery-operated pump with a screened intake. A person may not allow
3784 visible sediment or muddy water to enter the wetted perimeter. A second
3785 excavation site may be used as a settling pond.
3786
- 3787 (ix) Under RCW 77.57.010 and 77.57.070, any device a person uses for pumping
3788 water from fish-bearing waters must be equipped with a fish guard to prevent
3789 passage of fish into the pump intake. A person must screen the pump intake
3790 with material that has openings no larger than five sixty-fourths inch for square
3791 openings, measured side to side, or three thirty-seconds inch diameter for round
3792 openings, and the screen must have at least one square inch of functional screen
3793 area for every gallon per minute (gpm) of water drawn through it. For example,
3794 a one hundred gpm-rated pump would require at least a one hundred square
3795 inch screen.
3796
- 3797 (x) A person may not excavate, collect, remove, or process aggregate within four
3798 hundred feet of any fishway, dam, or hatchery water intake.
3799
- 3800 (xi) A person may not disturb existing habitat improvement structures or stream
3801 channel improvements.
3802
- 3803 (xii) If at any time, as a result of project activities, a person observes a fish kill or fish
3804 life in distress, a person must immediately cease operations and notify the
3805 department, and the Washington military department emergency management
3806 division, of the problem. A person may not resume work until the department
3807 gives approval. The department may require additional measures to mitigate
3808 the prospecting impacts.

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(5) MINERAL PROSPECTING IN FRESHWATERS WITH TIMING RESTRICTIONS²

- (a) A person may mineral prospect in freshwaters of the state only during the times and with the mineral prospecting equipment limitations identified in WAC 220-110-XXX. A person must follow the rules listed below, and a person must have the rules on the job site when working in freshwaters of the state.

- (b) A person may use only hand-held mineral prospecting tools and the following mineral prospecting equipment when mineral prospecting with timing restrictions:
 - (i) Pans;

 - (ii) Spiral wheels;

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

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

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

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

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

² This section has been altered in only minor ways from the rule as published in 2008, including that the figures have been omitted to make the file a little smaller.

- 3847 (d) The suction intake nozzle and hose of suction dredges and power sluice/suction
3848 dredge combinations must not exceed the diameters allowed in the listing for the
3849 stream or stream reach where a person are operating, as identified in subsection
3850 (5)(v) of this section.
3851
- 3852 (e) A person may not use vehicle-mounted winches. A person may use one motorized
3853 winch and one hand-operated winch to move boulders and large woody material
3854 that is not embedded, and additional cables, chains, or ropes to stabilize them.
3855
- 3856 (f) Equipment separation:
3857
- 3858 (i) A person may use hand-held mineral prospecting tools; pans; spiral wheels; or
3859 sluices, mini rocker boxes, or mini high-bankers with riffle areas totaling three
3860 square feet or less, including ganged equipment, as close to other mineral
3861 prospecting equipment as desired.
3862
- 3863 (ii) When operating any sluice or rocker box with a riffle area exceeding three
3864 square feet (including ganged equipment), suction dredge, power sluice/suction
3865 dredge combination, high-banker, or power sluice within the wetted perimeter,
3866 a person must be at least two hundred feet from all others also operating this
3867 type of equipment. This separation is measured as a radius from the equipment
3868 the person is operating. A person may locate this equipment closer than two
3869 hundred feet if only one piece of equipment is operating within that two
3870 hundred foot radius. See Figure 2 XXX.
3871
- 3872 (iii) When operating any sluice or rocker box with a riffle area exceeding three
3873 square feet (including ganged equipment), suction dredge, power sluice/suction
3874 dredge combinations, high-banker, or power sluice outside of the wetted
3875 perimeter that discharges tailings or wastewater to the wetted perimeter a
3876 person must be at least two hundred feet from all others also operating this type
3877 of equipment. This separation is measured as a radius from the equipment the
3878 person is operating. A person may locate this equipment closer than two
3879 hundred feet if only one piece of equipment is operating within that two
3880 hundred foot radius. See Figure 2.
3881
- 3882 (g) Under RCW 77.57.010 and 77.57.070, any device a person use for pumping water
3883 from fish-bearing waters must be equipped with a fish guard to prevent passage of
3884 fish into the pump intake. A person must screen the pump intake with material that
3885 has openings no larger than five sixty-fourths inch for square openings, measured
3886 side to side, or three thirty-seconds inch diameter for round openings, and the
3887 screen must have at least one square inch of functional screen area for every gallon

- 3888 per minute (gpm) of water drawn through it. For example, a one hundred gpm rated
3889 pump would require at least a one hundred square inch screen.
3890
- 3891 (h) All equipment fueling and servicing must be done so that petroleum products do not
3892 get into the body of water or frequent scour zone. If a petroleum sheen or spill is
3893 observed, a person must contact the Washington military department emergency
3894 management division. A person must immediately stop their activities, remove their
3895 equipment from the body of water, and correct the source of the petroleum leak. A
3896 person may not return their equipment to the water until the problem is corrected.
3897 A person must store fuel and lubricants outside the frequent scour zone, and in the
3898 shade when possible.
3899
- 3900 (i) A person may work within the wetted perimeter or frequent scour zone only from
3901 one-half hour before official sunrise to one-half hour after official sunset. If their
3902 mineral prospecting equipment exceeds one-half the width of the wetted perimeter
3903 of the stream, a person must remove the equipment from the wetted perimeter or
3904 move it so that a minimum of fifty percent of the wetted perimeter is free of
3905 equipment between one-half hour after official sunset to one-half hour prior to
3906 official sunrise.
3907
- 3908 (j) A person may not excavate, collect, remove, or process aggregate within four
3909 hundred feet of any fishway, dam, or hatchery water intake.
3910
- 3911 (k) A person must not disturb existing habitat improvement structures or stream
3912 channel improvements.
3913
- 3914 (l) A person may not undermine, move, or disturb large woody material embedded in
3915 the slopes or located wholly or partially within the wetted perimeter. A person may
3916 move large woody material and boulders located entirely within the frequent scour
3917 zone, but a person must keep them within the frequent scour zone. A person may
3918 not cut large woody material.
3919
- 3920 (m) A person may not undermine, cut, or disturb live, rooted woody vegetation of any
3921 kind.
3922
- 3923 (n) Only one excavation site per individual is permitted. However, a person may use a
3924 second excavation site as a settling pond. Multiple individuals may work within a
3925 single excavation site.
3926
- 3927 (o) A person must fill all excavation sites and level all tailing piles prior to working
3928 another excavation site or abandoning the excavation site.

- 3929
- 3930 (p) A person may not excavate, collect, or remove aggregate from the toe of the slope.
- 3931 A person also may not excavate, collect, or remove aggregate from an unstable
- 3932 slope or any slope that delivers, or has the potential to deliver, sediment to the
- 3933 wetted perimeter or frequent scour zone. See Figures 3 XXX and 4 XXX.
- 3934
- 3935 (q) A person may partially divert a body of water into mineral prospecting equipment.
- 3936 However, at no time may the diversion structure be greater than fifty percent of the
- 3937 width of the wetted perimeter, including the width of the equipment. A person may
- 3938 not divert the body of water outside of the wetted perimeter.
- 3939
- 3940 (r) A person may use materials only from within the wetted perimeter, or artificial
- 3941 materials from outside the wetted perimeter, to construct the diversion structure by
- 3942 hand. A person must remove artificial materials used in the construction of a
- 3943 diversion structure and restore the site to its approximate original condition prior to
- 3944 abandoning the site.
- 3945
- 3946 (s) A person may process aggregate collected from the frequent scour zone:
- 3947
- 3948 (i) At any location if a person uses pans; spiral wheels; mini rocker boxes; mini high-
- 3949 bankers; or sluices or other concentrators with riffle areas totaling three square
- 3950 feet or less, including ganged equipment.
- 3951
- 3952 (ii) Only in the frequent scour zone or upland areas landward of the frequent scour
- 3953 zone if a person use power sluice/suction dredge combinations, high-bankers, or
- 3954 power sluices with riffle areas totaling ten square feet or less, including ganged
- 3955 equipment; or sluices or rocker boxes that have riffle areas totaling more than
- 3956 three, but less than ten square feet, including ganged equipment. A person may
- 3957 not discharge tailings to the wetted perimeter when using this equipment.
- 3958 However, a person may discharge wastewater to the wetted perimeter provided
- 3959 its entry point into the wetted perimeter is at least two hundred feet from any
- 3960 other wastewater discharge entry point.
- 3961
- 3962 (t) A person may process aggregate collected from upland areas landward of the
- 3963 frequent scour zone:
- 3964
- 3965 (i) At any location if a person uses pans; spiral wheels; or sluices, concentrators,
- 3966 mini rocker boxes, and mini high-bankers with riffle areas totaling three square
- 3967 feet or less, including ganged equipment. A person must classify the aggregate
- 3968 at the excavation site prior to processing with this equipment within the wetted
- 3969 perimeter or frequent scour zone.

- 3970
3971 (ii) Only at an upland location landward of the frequent scour zone if a person use
3972 power sluice/suction dredge combinations; high-bankers; power sluices; or
3973 rocker boxes. A person may not allow tailings or wastewater to enter the wetted
3974 perimeter or frequent scour zone.
3975
3976 (iii) Within the wetted perimeter or frequent scour zone with a sluice with a riffle
3977 area greater than three square feet. A person must classify the aggregate at the
3978 excavation site prior to processing with a sluice with a riffle area exceeding three
3979 square feet.
3980
3981 (u) A person may use pressurized water only for crevicing or for redistributing dredge
3982 tailings within the wetted perimeter. No other pressurized water use is permitted.
3983
3984 (v) A person may conduct crevicing in the wetted perimeter, in the frequent scour zone,
3985 or landward of the frequent scour zone. The hose connecting fittings of pressurized
3986 water tools used for crevicing may not have an inside diameter larger than three-
3987 quarters of an inch. If a person crevice landward of the frequent scour zone, a
3988 person may not discharge sediment or wastewater to the wetted perimeter or the
3989 frequent scour zone.
3990
3991 (w) A person must avoid areas containing live freshwater mussels. If a person
3992 encounters live mussels during excavation, a person must relocate their operations.
3993
3994 (x) A person may not disturb redds. If a person observe or encounter redds, or actively
3995 spawning fish when collecting or processing aggregate, a person must relocate their
3996 operations.
3997
3998 (y) If at any time, as a result of project activities, a person observes a fish kill or fish life
3999 in distress, a person must immediately cease operations and notify the Washington
4000 department of fish and wildlife, and the Washington military department emergency
4001 management division of the problem. A person may not resume work until the
4002 Washington department of fish and wildlife gives approval. The Washington
4003 department of fish and wildlife may require additional measures to mitigate the
4004 prospecting impacts.

4005 **(6) MINERAL PROSPECTING ON OCEAN BEACHES**

- 4006
4007 (a) A person may mineral prospect year-round on ocean beaches of the state. A person
4008 must follow the rules listed below, and must have the rules on the job site when
4009 working on ocean beaches of the state.

- 4010
- 4011 (b) (A person may mineral prospect only between the line of ordinary high tide and the
- 4012 line of extreme low tide on beaches within the Seashore Conservation Area
- 4013 established under RCW 79A.05.605 and managed by Washington State Parks and
- 4014 Recreation Commission.
- 4015
- 4016 (c) No written or pamphlet HPA is required for mineral prospecting conducted south of
- 4017 the Copalis River, provided a person operates landward of the upper limit of ghost
- 4018 shrimp burrowing in the beach, and waterward of the ordinary high tide line, and a
- 4019 person does not use freshwater from fish-bearing streams during operations.
- 4020
- 4021 (d) A person may use only handheld mineral prospecting tools and the following mineral
- 4022 prospecting equipment:
- 4023
- 4024 (i) Pans;
- 4025
- 4026 (ii) Spiral wheels;
- 4027
- 4028 (iii) Sluices, concentrators, rocker boxes, and high-bankers with riffle areas totaling
- 4029 ten square feet or less, including ganged equipment;
- 4030
- 4031 (iv) Suction dredges that have suction intake nozzles with inside diameters that
- 4032 should be five inches or less, but must be no greater than five and one-quarter
- 4033 inches to account for manufacturing tolerances and possible deformation of the
- 4034 nozzle. The inside diameter of the dredge hose attached to the nozzle may be no
- 4035 greater than one inch larger than the suction intake nozzle size;
- 4036
- 4037 (v) Power sluice/suction dredge combinations that have riffle areas totaling ten
- 4038 square feet or less, including ganged equipment, suction intake nozzles with
- 4039 inside diameters that should be five inches or less, but must be no greater than
- 4040 five and one-quarter inches to account for manufacturing tolerances and
- 4041 possible deformation of the nozzle, and pump intake hoses with inside diameters
- 4042 of four inches or less. The inside diameter of the dredge hose attached to the
- 4043 suction intake nozzle may be no greater than one inch larger than the suction
- 4044 intake nozzle size; and,
- 4045
- 4046 (vi) High-bankers and power sluices that have riffle areas totaling ten square feet or
- 4047 less, including ganged equipment, and pump intake hoses with inside diameters
- 4048 of four inches or less.
- 4049

- 4050 (e) When operated in fish-bearing freshwater streams the widest point of a sluice,
4051 including attachments, must not exceed twenty-five percent of the width of the
4052 wetted perimeter at the point of placement.
4053
- 4054 (f) A person may not use vehicle-mounted winches. A person may use one motorized
4055 winch and one hand operated winch to move boulders and large woody material
4056 that is not embedded, and additional cables, chains, or ropes to stabilize them.
4057
- 4058 (g) Under RCW 77.57.010 and 77.57.070, any device a person use for pumping water
4059 from fish-bearing waters must be equipped with a fish guard to prevent passage of
4060 fish into the pump intake. A person must screen the pump intake with material that
4061 has openings no larger than five sixty-fourths inch for square openings, measured
4062 side to side, or three thirty-seconds inch diameter for round openings, and the
4063 screen must have at least one square inch of functional screen area for every gallon
4064 per minute (gpm) of water drawn through it. For example, a one hundred gpm rated
4065 pump would require at least a one hundred square inch screen.
4066
- 4067 (h) All equipment fueling and servicing must be done so that petroleum products do not
4068 get into the body of water. If a petroleum leak occurs, a person must immediately
4069 stop their activities, remove their equipment from the body of water and beach, and
4070 correct the source of the petroleum leak. A person may not return their equipment
4071 to the water or beach until the problem is corrected. A person must store fuel and
4072 lubricants away from the water inside a vehicle or landward of the beach, and in the
4073 shade when possible.
4074
- 4075 (i) A person may work only from one-half hour before official sunrise to one-half hour
4076 after official sunset. If their mineral prospecting equipment is being used in a fish-
4077 bearing freshwater stream and it exceeds one-half the width of the wetted
4078 perimeter of the stream, a person must remove the equipment from the wetted
4079 perimeter or move it so that a minimum of fifty percent of the wetted perimeter is
4080 free of equipment between one-half hour after official sunset to one-half hour prior
4081 to official sunrise.
4082
- 4083 (j) A person may not undermine, cut, disturb, or move large woody material or woody
4084 debris jams.
4085
- 4086 (k) Only one excavation site per individual is permitted. However, a person may use a
4087 second excavation site as a settling pond. Multiple individuals may work within a
4088 single excavation site.
4089

- 4090 (l) A person must backfill all trenches, depressions, or holes created in the beach during
4091 project activities before working another excavation site (except during use as a
4092 settling pond) or leaving the excavation site.
4093
- 4094 (m) A person may partially divert a body of water into mineral prospecting equipment.
4095 However, at no time may the diversion structure be greater than fifty percent of the
4096 width of the wetted perimeter of a fish-bearing freshwater stream, including the
4097 width of the equipment. A person may not divert the body of water outside of the
4098 wetted perimeter of that stream.
4099
- 4100 (n) A person may use materials only from within the wetted perimeter, or artificial
4101 materials from outside the wetted perimeter, to construct the diversion structure by
4102 hand. A person must remove artificial materials used in the construction of a
4103 diversion structure and restore the site to its approximate original condition prior to
4104 abandoning the site.
4105
- 4106 (o) A person may use pressurized water only for redistributing dredge tailings within the
4107 wetted perimeter. No other pressurized water use is permitted.
4108
- 4109 (p) A person may not disturb live razor clams or other shellfish within the bed. If a
4110 person observes or encounters live razor clams or other shellfish during excavation,
4111 the person must relocate their operations.
4112
- 4113 (q) If at any time, as a result of project activities, a person observes a fish kill or fish life
4114 in distress, a person must immediately cease operations and notify the department,
4115 and the Washington military department emergency management division of the
4116 problem. A person may not resume work until the department gives approval. The
4117 department may require additional measures to mitigate the prospecting impacts.

4118 **(7) AUTHORIZED WORK TIMES AND MINERAL PROSPECTING EQUIPMENT RESTRICTIONS**
4119 **BY SPECIFIC STATE WATERS FOR MINERAL PROSPECTING AND PLACER MINING**
4120 **PROJECTS**

- 4121 (a) Mineral prospecting and placer mining under WAC 220-110-202XXX may only occur
4122 in the state waters, with the equipment restrictions, and during the times specified
4123 in the following table.
4124
- 4125 (b) The general work time for a county applies to all state waters within that county,
4126 unless otherwise indicated in the table.
4127
- 4128 (c) The work time for a listed state water applies to all its tributaries, unless otherwise
4129 indicated. Some state waters occur in multiple counties. Check the listing for the

4130 county in which mineral prospecting or placer mining is to be conducted to
 4131 determine the work time for that state water.

4132
 4133 (d) Where a tributary is listed as a boundary, that boundary is the line perpendicular to
 4134 the receiving stream that is projected from the most upstream point of the tributary
 4135 mouth to the opposite bank of the receiving stream. See Figure 1 XXX.

4136
 4137 (e) Mineral prospecting and placer mining within state waters listed as "submit
 4138 application" are not authorized under the Gold and Fish pamphlet. A written HPA is
 4139 required for these state waters.

4140
 4141 (f) Mineral prospecting using mineral prospecting equipment that has suction intake
 4142 nozzles with inside diameters that should be four inches or less, but must be no
 4143 greater than four and one-quarter inches to account for manufacturing tolerances
 4144 and possible deformation of the nozzle is authorized only in the listed state waters,
 4145 and any tributaries to them, unless otherwise indicated in the table. The inside
 4146 diameter of the dredge hose attached to the nozzle may be no greater than one inch
 4147 larger than the nozzle size.

4148
 4149 (g) Mineral prospecting using mineral prospecting equipment that has suction intake
 4150 nozzles with inside diameters that should be five inches or less, but must be no
 4151 greater than five and one-quarter inches to account for manufacturing tolerances
 4152 and possible deformation of the nozzle is authorized only in the listed state waters in
 4153 the following table. The inside diameter of the dredge hose attached to the nozzle
 4154 may be no greater than one inch larger than the nozzle size. A person may use only
 4155 mineral prospecting equipment with suction intake nozzle inside diameters of four
 4156 and one-quarter inches or less in tributaries of these state waters. The inside
 4157 diameter of the dredge hose attached to the nozzle may be no greater than one inch
 4158 larger than the nozzle size.

4159 AUTHORIZED WORK TIMES AND MINERAL PROSPECTING EQUIPMENT RESTRICTIONS BY
 4160 SPECIFIC STATE 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 A person May Use Mineral Prospecting Equipment with a Four and One-	State Waters (NOT including tributaries) in Which A person May Use Mineral Prospecting Equipment with a Five and One- Quarter Inch
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		Quarter Inch Maximum Suction Intake Nozzle Inside Diameter	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 -	X	–

	September 30		
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 Wenatchee Avenue	July 1 - September 30	X	-
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 - February 28	X	-
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 -	X	-

	September 15		
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) -	August 1 -	X	-

Upstream of dam	September 30		
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 (27.0334) - Confluence of East Fork to Merwin Dam	August 1 - August 15	X	X
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 river mile 49.5	July 16 - August 15	X	X
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 Dam	June 16 - February 28	X	-
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 - December 15	X	-
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) -	January 1 -	X	-

Mouth to Pataha Creek	December 31		
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 -	X	X

	October 31		
Hoquiam River (22.0137)	August 1 - October 15	X	X
Humtulpis River (22.0004) - Mouth to Forks	August 1 - September 30	X	X
Humtulpis 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	-
Dugwalla 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 -	X	-

	September 15		
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 Lennox Creek	July 16 - February 28	X	X
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 -	X	-

	February 28		
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 falls at River Mile 2.0	July 16 - February 28	X	-
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) - Tieton River to Bumping River	July 1 - August 15	X	X
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) - Teaway River to Easton Dam	August 1 - August 31	X	X
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	Submit	-	-

(39.1765)	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	-
Teaway River (39.1236)	July 16 - August 31	X	X
NF Teaway 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 Chehalis River	August 1 - August 31	X	X
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) -	August 1 -	X	-

Mouth to lower falls	August 15		
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) - Mouth to North Fork	August 1 - September 30	X	X
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 -	X	-

	February 28		
Mason County	August 1 - October 15	X	-
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	July 1 - February 28	X	-

Creek to Roundup Creek			
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 (48.0691)	July 1 - February 28	X	-
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	July 1 - August 31	X	X

Dam			
Similkameen River (49.0325) - Upstream of Enloe Dam	July 1 - October 31	X	X
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 - August 31	X	-
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	-
Marmust 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) -	July 16 -	X	-

Upstream of Busy Wild Creek	September 30		
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 of Cascade Creek	July 16 - February 28	X	-
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) -	Submit	-	-

Mouth to SR20	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 Sunset Falls	August 1 - February 28	X	-
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	July 16 - August 15	X	X

Hatchery			
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) -	August 1 -	X	X

Mouth to Forks	August 15		
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 Creek	August 1 - September 15	X	X
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 (07.1085)	August 1 - February 28	X	-
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	June 16 -	X	-

(55.0600) - Upstream of Deer Creek	August 31		
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 31	X	-
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 - September 15	X	-
Naselle River (24.0543)	July 16 - September 15	X	X
Skamokawa 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	Submit	-	-

Fork (32.0761)	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 15	X	-
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 and tributaries	October 1 - February 28	X	-
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 - February 28	X	-

mouth to headwaters			
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 -	X	-

	December 15		
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 Matthews Creek	July 16 - August 15	X	X
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	July 16 - September 30	X	X

bridge			
SR 2 bridge to one mile downstream of the Chelan River	July 16 - February 28	X	X
From one mile downstream of the Chelan River to the SR 97 bridge	July 16 - September 30	X	X
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	-	-
Strait of Juan de Fuca, Puget Sound, Hood Canal	Submit Application	-	-
Ocean Beaches within the Seashore Conservation Area established under RCW 79A.05.605	January 1 – December 31	X	X
All waters within Indian tribal reservation, national	Submit Application	-	-

park, state park, or wilderness boundaries, except those within the Seashore Conservation Area established under RCW 79A.05.605			
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4163 **220-110-330** **Habitat restoration in freshwater areas**

4164 PLACEHOLDER

4165

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4166 **220-110-340 Tidal reference areas**

4167 All projects must meet the requirements in WAC 220-110-090 – General mitigation
4168 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
4169 apply to the specific project.

4170 **(1) DESCRIPTION**

4171
4172 The department has divided the coastline into tidal reference areas to delineate the
4173 major segments of state's marine shorelines. These segments have similar coastal
4174 landforms.

4175
4176 **(2) FISH LIFE IMPACTS**

4177 None

4178 **(3) DEFINITIONS FOR TIDAL REFERENCE AREAS**

- 4179
4180 (a) Tidal Reference Area 1 (Shelton): All saltwater areas in Oakland Bay and
4181 Hammersley Inlet westerly of a line projected from Hungerford Point to Arcadia.
4182
4183 (b) Tidal Reference Area 2 (Olympia): All saltwater areas between a line projected from
4184 Hungerford Point to Arcadia and a line projected from Johnson Point to Devil's Head.
4185 This includes Totten, Eld, Budd, Case and Henderson Inlets, and Pickering Passage.
4186
4187 (c) Tidal Reference Area 3 (South Puget Sound): All saltwater areas easterly and
4188 northerly of a line projected from Johnson Point to Devil's Head and southerly of the
4189 Tacoma Narrows Bridge.
4190
4191 (d) Tidal Reference Area 4 (Tacoma): All saltwater areas northerly of the Tacoma
4192 Narrows Bridge and southerly of a line projected true west and true east across
4193 Puget Sound from the northern tip of Vashon Island.
4194
4195 (e) Tidal Reference Area 5 (Seattle): All saltwater areas northerly of a line projected
4196 true west and true east across Puget Sound from the northern tip of Vashon Island
4197 and southerly of a line projected true east from Point Jefferson at 47° 45' N. latitude
4198 across Puget Sound. This area includes Port Orchard, Port Madison, and Dyes and
4199 Sinclair Inlets.
4200
4201 (f) Tidal Reference Area 6 (Edmonds): All saltwater areas northerly of a line projected
4202 true east from Point Jefferson at 47° 45' N. latitude across Puget Sound and

- 4203 southerly of a line projected true east from Possession Point to Mukilteo and from
4204 Foulweather Bluff to Double Bluff.
4205
- 4206 (g) Tidal Reference Area 7 (Everett): All saltwater areas northerly of a line projected
4207 true east from Possession Point to Chennault Beach, easterly of a line projected 5 °
4208 true from East Point to Lowell Point, and southerly of the Stanwood to Camano
4209 Island Highway. This area includes Port Gardner, Port Susan, and parts of Possession
4210 Sound and Saratoga Passage.
4211
- 4212 (h) Tidal Reference Area 8 (Yokeko Point): All saltwater area westerly and northerly of a
4213 line projected 5° true from East Point to Lowell Point, north of the Stanwood to
4214 Camano Island Highway, and easterly and southerly of Deception Pass Bridge and
4215 the Swinomish Channel Bridge on State Route 20. This area includes Holmes Harbor,
4216 Saratoga Passage, Skagit Bay, Similk Bay, and most of the Swinomish Channel.
4217
- 4218 (i) Tidal Reference Area 9 (Blaine): All saltwater area in Skagit County and Whatcom
4219 County that lies northerly of the Swinomish Channel Bridge on State Highway 536
4220 and westerly and northerly of Deception Pass Bridge.
4221
- 4222 (j) Tidal Reference Area 10 (Port Townsend): All saltwater area of Puget Sound as
4223 defined in WAC 220-16-210XXX except Hood Canal south of a line projected from
4224 Tala Point to Foulweather Bluff, and except all waters defined in Tidal Reference
4225 Areas 1 through 9. Area 10 includes waters of the San Juan Islands, Admiralty Inlet,
4226 the Strait of Juan de Fuca, and associated bays and inlets.
4227
- 4228 (k) Tidal Reference Area 11 (Union): All saltwater area of Hood Canal southerly and
4229 easterly of a line projected from the northern entrance of Lilliwaup Bay to the
4230 northern entrance of Dewatto Bay.
4231
- 4232 (l) Tidal Reference Area 12 (Seabeck): All saltwater areas of Hood Canal northerly of a
4233 line projected from Lilliwaup Bay to Dewatto Bay and southerly of a line projected
4234 true east from Hazel Point. This area includes Dabob Bay and Quilcene Bay.
4235
- 4236 (m) Tidal Reference Area 13 (Bangor): All saltwater area of Hood Canal northerly of a
4237 line projected true east from Hazel Point and south of a line projected from Tala
4238 Point to Foulweather Bluff. This area includes Port Gamble.
4239
- 4240 (n) Tidal Reference Area 14 (Ocean Beaches): All saltwater area between Cape Flattery
4241 and the Oregon border at the mouth of the Columbia River, excluding Grays Harbor
4242 and Willapa Bay.
4243

- 4244 (o) Tidal Reference Area 15 (Westport): All saltwater area in Grays Harbor easterly of a
4245 line projected from the outermost end of the north jetty to the outermost end of
4246 the south jetty, and westerly of 123° 59' W. longitude.
4247
- 4248 (p) Tidal Reference Area 16 (Aberdeen): All saltwater area in Grays Harbor easterly of
4249 123° 59' W. longitude and westerly of the State Route 101 bridge across the Chehalis
4250 River.
4251
- 4252 (q) Tidal Reference Area 17 (Willapa Bay): All saltwater area in Willapa Bay easterly of a
4253 line projected from Leadbetter Point to Cape Shoalwater.
4254

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4255 **220-110-350 Authorized work times in saltwater areas**

4256 All projects must meet the requirements in WAC 220-110-090 – General mitigation
4257 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
4258 apply to the specific project.

4259 **(1) DESCRIPTION**

4260 The department applies work windows to reduce the risk of impacts to fish life at critical
4261 life stages. In-water work is limited to non-critical periods of the year unless the
4262 permittee can take mitigation measures to eliminate risk during critical periods. For
4263 saltwater areas, the timing windows are based primarily salmon, Pacific herring, surf
4264 smelt, Pacific sand lance, lingcod and rockfish habitat in nearshore waters.

4265 **(2) FISH LIFE CONCERNS**

4266
4267 Work in or around waterbodies can result in harmful effects to fish life including their
4268 eggs, juveniles, spawning adults and the organisms upon which they feed. Therefore,
4269 this work must occur when a person can reduce the risk of these harmful effects.

4270

4271 **(3) AUTHORIZED WORK TIMES**

4272

4273 (a) The department must specify authorized work times for hydraulic projects in or
4274 adjacent to saltwater areas when it issues HPAs. The department may permit work
4275 waterward of the ordinary high water line for the following times, areas, and
4276 species.

4277

4278 a. Tidal Reference Areas 1 through 17; March 2 through October 14 for projects in
4279 or adjacent to Pacific sand lance spawning beds

4280

4281 b. Tidal Reference Areas 1 through 17; October 15 through May 14 for projects in
4282 or adjacent to lingcod settlement and nursery areas

4283

4284 c. Tidal Reference Area 14; October 1 through May 14 for projects in or adjacent to
4285 razor clam beds

4286

4287 d. Tidal Reference Areas 1 through 17; The authorized times and areas for
4288 protection of migrating juvenile salmonid, and surf smelt and Pacific herring
4289 spawning beds are listed in the following table:

4290

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

AUTHORIZED TIMES			
7	August 1 – February 15 for all work except in Port Susan and dredging in Port Gardner July 16 – February 14 for all work in Port Susan September 15 –February 15 for dredging in Port Gardner	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	—	February 1 – March 31
16	July 16 – February 15	—	March 15 – January 31
17	July 16 – February 15	—	March 15 – January 31

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- e. If the surf smelt spawning season for the project location is six months or longer, the department may permit work outside of the authorized work times provided:
 - a. The work commences within forty-eight hours after a department-trained biologist inspects the work site.
 - b. The inspection follows the protocols in forage fish spawning beach sampling manual.
 - c. The results of the inspection show that no spawning is occurring or has recently occurred.
 - d. A person completes the project within the time defined by the department.
 - f. The department may further restrict the work times to protect other species of fish and shellfish at a particular site.

4307 **220-110-360 Saltwater habitats of special concern**

4308 All projects must meet the requirements in WAC 220-110-090 – General mitigation
4309 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
4310 apply to the specific project.

4311 **(1) DESCRIPTION**

4312
4313 Saltwater habitats of special concern provide essential functions in the developmental
4314 life history of fish and shellfish. These areas include 1) spawning habitats for forage fish,
4315 2) nursery and settlement areas for rockfish and lingcod, migration, 3) rearing and
4316 feeding areas for juvenile salmon, 4) settlement areas for native shellfish, 5) areas of
4317 vegetation that support fish life and 6) areas that support physical processes that form
4318 and maintain habitat. The presence of saltwater habitats of special concern or areas in
4319 close proximity with similar bed materials may restrict project type, design, location,
4320 and timing. The department may determine the location of such habitats by a site visit.
4321 In addition, the department may consider all available information regarding the
4322 location of the habitats of special concern. Projects should located and constructed to
4323 avoid impacts to physical processes that form and maintain habitat because they sustain
4324 ecological functions and impacts to these processes are difficult to mitigate.

4325
4326 **(2) FISH LIFE CONCERNS**

4327
4328 The nearshore zone represents three critical “edge” habitats; the edge between upland
4329 and aquatic environments, the edge between the shallow productive zone and deep
4330 water, and the edge between fresh and marine waters. Variations in wave energy,
4331 sediment delivery and movement, sunlight, water depth, salinity and location associated
4332 with “nearshore edges” create a wide range of physical conditions that support a wide
4333 diversity and abundance of fish life. Disruption of physical processes and conditions in
4334 the nearshore can adversely affect ecological functions, which will in turn cause a loss of
4335 fish life.

4336
4337 Human activities ranging from installing stairways across bluff faces, to building docks
4338 and bulkheads, to dredging contribute to a loss of habitat in the nearshore environment.
4339 Ongoing activities increasingly fragment and degrade the remaining habitat. Saltwater
4340 habitats of special concern require a higher level of protection due to the important
4341 ecological functions they provide.

4342
4343 **(3) SALTWATER HABITATS OF SPECIAL CONCERN**

4344

- 4345 (a) These fish habitats are saltwater habitats of special concern and they may occur in
4346 the following types of areas:
- 4347 a. Surf smelt (*Hypomesus pretiosus*) spawning beds are located in the upper beach
4348 area in saltwater areas typically composed of sand and/or small gravel and shell
4349 material.
- 4350 b. Pacific sand lance (*Ammodytes hexapterus*) spawning beds are located in the
4351 upper beach area in saltwater areas typically composed of sand and/or pea
4352 gravel.
- 4353 c. Pacific herring (*Clupea harengus pallasii*) spawning beds occur in lower beach
4354 areas and shallow subtidal areas in saltwater areas. These beds include seagrass,
4355 macroalgae, and other bed materials such as subtidal worm tubes.
- 4356 (i) Eulachon (*Thaleichthys pacificus*) spawning beds located in the tidally influenced
4357 sections of the following rivers and streams in areas typically composed of sand
4358 and/or pea gravel:
- 4359 (A) Lower Columbia River from the mouth upstream to Bonneville Dam and the
4360 following tributaries:
- 4361 a. Grays River from the confluence with the Columbia River upstream to
4362 Covered Bridge Road
- 4363 b. Skamokawa Creek from the confluence with the Columbia River
4364 upstream to Peterson Bridge Road
- 4365 c. Elochoman River from the confluence with the Columbia River upstream
4366 to Monroe Road bridge crossing
- 4367 d. Cowlitz River from the confluence with the Columbia River upstream to
4368 the Cowlitz Salmon Hatchery barrier dam
- 4369 e. Toutle River from the confluence with the Cowlitz River upstream to
4370 Tower Road bridge
- 4371 f. Kalama River from the confluence with the Columbia River upstream to
4372 the confluence with Indian Creek

- 4373 g. Lewis River from the confluence with the Columbia River upstream to
4374 Merwin Dam
- 4375 h. East fork of Lewis River from the confluence with the mainstem of the
4376 Lewis River upstream to the confluence with Mason Creek
- 4377 (B) Quinault River from the mouth upstream to river mile 3.0
- 4378 (C) Elwha River from the mouth upstream to river mile 4.7
- 4379 d. Rockfish (*Sebastes* spp) settlement and nursery areas are located in kelp beds,
4380 seagrass, macroalgae, and other bed materials.
- 4381 e. Lingcod (*Ophiodon elongatus*) settlement and nursery areas are located in beach
4382 and subtidal areas with sand, seagrass, subtidal worm tubes, and other bed
4383 materials.
- 4384
- 4385 f. Juvenile salmonid (Family Salmonidae) migration corridors and rearing and
4386 feeding areas are ubiquitous throughout estuarine and shallow nearshore
4387 saltwater areas of the state.
- 4388
- 4389 g. Olympia oyster (*Ostrea conchaphila*) settlement areas are located in sheltered
4390 bays and estuaries near low tide.
- 4391
- 4392 (b) The following vegetation occurs in or adjacent to many saltwater areas and serves
4393 essential functions in the developmental life history of fish life:
- 4394
- 4395 a. Seagrasses (*Zostera* spp, *Ruppia maritima* and *Phyllospadix* spp.)
- 4396
- 4397 b. Kelp (Order Laminariales)
- 4398
- 4399 c. Other macroalgae
- 4400
- 4401 d. Intertidal wetland plants (except noxious weeds)
- 4402
- 4403 e. Riparian vegetation
- 4404
- 4405 (c) A person may request Information from the department about the location of the
4406 saltwater habitats of special concern.
- 4407

4408 **(4) GEOMORPHIC PROCESSES THAT FORM AND MAINTAIN SALTWATER HABITATS OF**
4409 **SPECIAL CONCERN**

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- (a) Avoid impacts to the following geomorphic processes that form and maintain saltwater habitats of special concern including but are not limited to:
- a. Sediment supply and transport
 - b. Bluff erosion and sediment accretion
 - c. Distributary channel migration
 - d. Tidal channel formation and maintenance
 - e. Freshwater input
- a. Tidal hydrology
 - b. Sunlight
 - c. Wind and waves

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4429 **220-110-370 Intertidal forage fish spawning habitat surveys**

4430

4431 A All projects must meet the requirements in WAC 220-110-090 – General mitigation
4432 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
4433 apply to the specific project.

4434 **(1) DESCRIPTION**

4435

4436 The department uses intertidal forage fish spawning habitat surveys to determine
4437 presence, absence, quantity and timing of Surf smelt (*Hypomesus pretiosus*) and Pacific
4438 sand lance (*Ammodytes hexapterus*) spawning. The presence of spawning may restrict
4439 project type, design, location, and timing.

4440

4441 **(2) FISH LIFE CONCERNS**

4442

4443 Surf smelt and Pacific sand lance are important food for marine mammals, birds, and
4444 fishes, including Pacific salmon. The department protects fish species and their
4445 spawning habitat by limiting construction activities on beaches where spawning is
4446 documented.

4447

4448 **(3) SURVEY PROCEDURES**

4449

4450 (a) A biologist must complete department’s forage fish spawning beach survey training
4451 to obtain department approval to conduct intertidal forage fish surveys.

4452

4453 (b) The approved biologist must follow the department-approved intertidal forage fish
4454 spawning protocol and use the standard department data sheets when conducting
4455 forage fish spawning beach surveys. The protocol and data sheets are available on
4456 the department’s website.

4457

4458 (c) If a permittee wants to work in an area where the surf smelt spawning season is six
4459 months or longer, the permittee may have a biologist conduct an intertidal forage
4460 fish spawning habitat survey. If the survey shows spawning is not currently
4461 occurring, the permittee may start work. The permittee must start work within 48
4462 hours of a survey that shows there are no eggs on the beach. If the permittee does
4463 not complete the work within seven days of the start of project, an additional survey
4464 is required. The biologist must conduct a survey every seven days until the work is
4465 completed. If a survey shows eggs are present, work must stop and the department
4466 must prohibit work waterward of the ordinary high water line for a minimum of
4467 three weeks. Work may not begin until a new survey shows there are no eggs
4468 present.

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4472

- (d) In documented intertidal forage fish spawning areas, the department must not allow work during surf smelt spawning seasons shorter than six months or during the Pacific sand lance spawning season.

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4473 **220-110-380 Seagrass and macroalgae habitat surveys**

4474

4475 All projects must meet the requirements in WAC 220-110-090 – General mitigation
4476 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
4477 apply to the specific project.

4478 **(1) DESCRIPTION**

4479 The department may require an applicant to hire a qualified professional diver/biologist
4480 to conduct one or more seagrass and macroalgae surveys. The department has
4481 developed survey guidelines for seagrass and macroalgae habitat to improve protection
4482 of these important habitats in Puget Sound and coastal waters. The guidelines contain
4483 protocols for both preliminary and advanced surveys to assist in the evaluation of
4484 potential impacts to these habitats at project sites with various conditions. Statistical
4485 considerations are an integral part of the advanced surveys so the guidelines include
4486 and a sample size calculator to aid in determining the appropriate number of samples
4487 the diver/biologist must take at a particular site. The guidelines are available on the
4488 department’s website.

4489 **(2) FISH LIFE CONCERNS**

4490

4491 Seagrass and macroalgae play a critical role in the marine ecosystem as primary
4492 producers, generating nutrients and substrate that form the base of the food chain. The
4493 dense and complex structure created by seagrass and macroalgae beds also provide
4494 refuge and foraging habitat for a wide range of fish, invertebrates and other organisms,
4495 many of which are valued from a cultural and economic standpoint.

4496

4497 Direct impacts can occur on a local or site-specific scale through impacts to substrate
4498 and light levels. Dredging, filling, and grading, or otherwise altering the substrate can
4499 make a site uninhabitable for these plants and the numerous species dependent on
4500 them. Boat propellers and anchors can physically damage plants, disturb sediments, and
4501 alter the habitat by creating high-energy wakes. Overwater structures such as piers,
4502 docks, and floats, and moored boats decrease the amount of light available, and cause
4503 physical habitat changes that can result in a substantial reduction in the size and
4504 diversity of the plant community.

4505

4506 **(3) SURVEY PROCEDURES**

4507

4508 (a) The department may require an applicant to submit a seagrass and macroalgae
4509 survey as part of an HPA application for the following work:

4510

- 4511 (i) Construction of a new dock, mooring buoy or other overwater structure
4512
4513 (ii) Construction of a replacement overwater structure outside the previously
4514 allowed footprint
4515
4516 (iii) New dredging, trenching, filling or grading
4517
4518 (iv) Maintenance dredging, trenching, filling, or grading outside the previously
4519 allowed footprint
4520
4521 (b) Preliminary surveys are conducted to:
4522
4523 (i) Determine if seagrass or macroalgae are present at the proposed project site.
4524
4525 (ii) Evaluate if the applicant can locate and construct the structure or activity to
4526 avoid impacts to seagrass or macroalgae.
4527
4528 (iii) Establish a location for the structure or activity that will minimize impacts when
4529 avoidance is not possible.
4530
4531 (c) Advanced surveys must occur between June 1 and October 1 and are conducted to:
4532
4533 (i) Quantify the impact from the structure or activity to seagrass and macroalgae.
4534
4535 (ii) Quantify the performance of mitigation actions.
4536
4537 (d) The department must measure direct impacts by calculating the total area of
4538 seagrass and macroalgae affected by the project. The department uses the total
4539 area to calculate the size of the mitigation area required to compensate for seagrass
4540 and macroalgae loss.
4541
4542 (e) The department must measure mitigation success by comparing seagrass and
4543 macroalgae the densities at a mitigation (or impact) site to those of a reference site.
4544 These comparisons must be statistically rigorous. The department has established
4545 monitoring standards for these surveys: a) $\alpha = 0.10$, b) power $(1 - \beta) = 0.90$, and c) a
4546 difference of mean eelgrass density of $\geq 20\%$. The department has developed
4547 survey guidelines for seagrass and macroalgae habitat. The department will
4548 consider other survey methods provided they meet the established monitoring
4549 standards.
4550

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4557

- (f) Divers/biologists who are qualified professionals to identify the predominant seagrass and macroalgae species in the project area must conduct the surveys.
- (g) A diver/biologist may monitor project impacts to determine seagrass or macroalgae loss and the required mitigation. However, survey results and interpretation are subject to department approval.

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4558 **220-110-390 Bulkheads and other bank protection in saltwater**
4559 **areas**

4560 All projects must meet the requirements in WAC 220-110-090 – General mitigation
4561 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
4562 apply to the specific project.

4563 **(1) DESCRIPTION**

4564
4565 A bank protection structure is a permanent or temporary structure constructed for the
4566 purpose of protecting or stabilizing the bank. Bank protection methods are either hard
4567 approaches or soft approaches. Hard approaches armor the bank with material such as
4568 riprap, concrete, or timber bulkheads intended to resist shear forces experienced at the
4569 project site that would prevent erosion of the bank. Soft approaches attempt to mimic
4570 natural processes with the use of biotechnical methods such as live plantings, rootwads,
4571 and large woody debris (LWD) and beach nourishment. Many projects integrate both hard
4572 and soft approaches.

4573

4574 **(2) FISH LIFE CONCERNS**

4575

4576 Bulkheads and other bank protection alter the beach and the nearshore physical processes
4577 that form and maintain beaches. This alteration can cause a loss the spawning habitat for
4578 sand lance and surf smelt and a loss migration, feeding and rearing habitat for juvenile
4579 salmon. To protect fish habitat adequately requires protecting the beaches where
4580 spawning, mitigation, feeding and rearing occurs in addition to protecting the physical
4581 processes that form and maintain habitat conditions.

4582 **(3) EMERGENCIES**

4583

4584 The department must assess a structure installed in an emergency within thirty days after
4585 construction to assure the structure is adequately keyed into the bank or bed and that the
4586 structure minimizes encroachment waterward of the ordinary high water line. The
4587 department will require a permittee to address any deficiencies. This includes the
4588 possibility of removing the emergency structure and replacing with a more appropriate
4589 structure.

4590 **(4) GENERAL CONSRUCTION REQUIREMENTS**

4591

4592 (a) The department may require the proponent to establish structure elevations relative
4593 to permanent benchmarks prior to commencing work on the project. The
4594 benchmarks shall be located, marked and protected to serve as post project
4595 reference.

- 4596
4597 (b) No project activities must occur when tidal waters inundate the project area
4598 including the work corridor, excluding the area occupied by a grounded barge.
4599
4600 (c) Do not stockpile excavated materials containing silt, clay, or fine-grained soil below
4601 the ordinary high water line.
4602
4603 (d) If the department allows stockpiling of sand, gravel, and other coarse construction
4604 or excavated material below the ordinary high water line, place the material within
4605 the designated work corridor waterward of the bulkhead footing or base rock.
4606 Remove all excavated or stockpiled material from the beach within seventy-two
4607 hours of bulkhead construction.
4608
4609 (e) Backfill all trenches, depressions, or holes created during construction that are
4610 waterward of the ordinary high water line. Trenches excavated for footings or
4611 placement of base rock may remain open during construction, however, a person
4612 must prevent fish from entering the trenches.
4613
4614 (f) Retain all natural habitat features in the project area and below the OHWL that are
4615 larger than twelve inches in diameter including trees, stumps and logs, and large
4616 rocks on the beach following construction.
4617
4618 (g) The department may require placement of appropriately sized sand /gravel as
4619 mitigation.
4620

4621 **(5) SINGLE-FAMILY RESIDENCE BULKHEADS THAT CAUSE NO LOSS OF CRITICAL FOOD FISH**
4622 **OR SHELLFISH HABITAT**
4623

- 4624 (a) A new, replacement, or repaired single-family residence bulkhead in saltwater areas
4625 must not result in the permanent loss of critical food fish or shellfish habitat. Critical
4626 food fish and shellfish habitats are those that serve an essential function in the
4627 developmental life history of fish and shellfish. These habitats include but are not
4628 limited to saltwater habitats of special concern listed in WAC 220-110-350.
4629
4630 (b) The department must process single-family residence bulkheads that will result in
4631 the permanent loss of critical food fish or shellfish habitat under subsection (6) of
4632 this section.
4633
4634 (c) The waterward face of a new bulkhead must be located at or above the ordinary
4635 high water line. Where this is not practicable because of geological, engineering, or
4636 safety concerns, the bulkhead may extend up waterward of the ordinary high water

4637 line the minimum distance needed to excavate for footings or place base rock. The
4638 bulkhead must not be located more than six feet waterward of the ordinary high
4639 water line under any conditions.
4640

4641 (d) The waterward face of a replacement or repaired bulkhead must not be located
4642 further waterward than the structure it is replacing. In cases where removal of the
4643 existing bulkhead will result in environmental degradation (e.g., release of
4644 deleterious material) or problems due to geological, engineering, or safety concerns,
4645 the department will authorize the replacement bulkhead to extend waterward of,
4646 but directly abutting, the existing structure. The design must use the least impacting
4647 type of structure and method of construction in these instances.
4648

4649 (e) The department may require an analysis performed by a geotechnical or structural
4650 engineer licensed in the state of Washington to justify placement of a new bulkhead
4651 waterward of the ordinary high water line and replacement and repair of a bulkhead
4652 that extends waterward of the existing structure.
4653

4654 (f) The department must apply timing constraints on a case-by-case basis for the
4655 protection of critical habitats including but not limited to migration corridors,
4656 rearing and feeding areas, and spawning habitats, for the proper protection of fish
4657 life. The department must consider the construction techniques, location of the
4658 project, and characteristics of habitats potentially affected by the project. The
4659 department may inspect the project site to evaluate the particular habitats near the
4660 project.
4661

4662 (i) When a single-family residence bulkhead project may affect more than one critical
4663 habitat, the department must apply the more protective timing constraint.
4664

4665 (ii) Because surf smelt spawn over extended periods, special conditions apply. If a
4666 bulkhead project may affect a documented surf smelt spawning bed, the
4667 department must impose timing conditions to protect surf smelt spawning beds.
4668

4669 (A) If the surf smelt spawning season for the project location is less than six months,
4670 the department may specify that construction take place outside of the
4671 spawning season.
4672

4673 (B) If the surf smelt spawning season for the project location is six months or longer,
4674 a department-approved biologist must conduct an intertidal forage fish
4675 spawning habitat survey if the permittee wants to work in a documented area
4676 where the surf smelt spawning season is six months or longer. The permittee
4677 must start work within forty eight hours of a survey that shows there are no eggs

4678 on the beach. If the permittee does not complete the work within seven days of
4679 the start of project, an additional survey is required. The biologist must conduct
4680 a survey every seven days until the work is completed. If a survey shows eggs
4681 are present, work must stop and the department must prohibit work waterward
4682 of the ordinary high water line for a minimum of three weeks. Work may not
4683 begin until a new survey shows there are no eggs present.
4684

4685 (iii) The department may not allow work during the Pacific sand lance spawning season.
4686

4687 (iv) During times when work waters of the state is prohibited to protect nearshore
4688 juvenile salmonid migration, rearing, and feeding areas, the department may permit
4689 construction if the bulkhead is located at or landward of the ordinary high water
4690 line, and if all construction work is conducted from the landward side of the project.
4691

4692 **(6) BULKHEADS AND OTHER BANK PROTECTION (not single-family residence)**
4693

4694 (a) The department prohibits construction of bulkheads and other bank protection in
4695 saltwater areas, except where essential to protect existing structures or
4696 infrastructure a person cannot remove or relocate.
4697

4698 (b) Bank protection projects must minimize adverse impacts by using the least
4699 impacting technically feasible alternative type of shoreline protection.
4700

4701 (c) An HPA application for new, replacement, and rehabilitated bulkhead or other bank
4702 protection work must include rationale for the proposed technique including:

4703 (i) An assessment of the level of risk to existing buildings, roads, or services
4704 being threatened by the erosion;
4705

4706 (ii) Technical rationale specific to the design developed; and,
4707

4708 (iii) Evidence of erosion and/or slope instability to warrant the stabilization work.
4709

4710 (d) The department may require bioengineering methods to protect bank.
4711

4712 (e) The department may require the incorporation of large woody material or native
4713 vegetation into the design of bank protection structures.
4714

4715 (f) Construction of new bank protection and replacement or repair of an existing
4716 bulkhead must use the least impacting bank protection technique and construction
4717 method.
4718

- 4719 (g) The construction of armoring must not result in a permanent loss of saltwater
4720 habitats of special concern.
4721
- 4722 (h) The waterward face of a new bulkhead must be located at or above the ordinary
4723 high water line. Where this is not practicable because of geological, engineering, or
4724 safety concerns, the bulkhead may extend up waterward of the ordinary high water
4725 line the minimum distance needed to excavate for footings or place base rock.
4726
- 4727 (i) The waterward face of a replacement or repaired bulkhead must not be located
4728 further waterward than the structure it is replacing. In cases where removal of the
4729 existing bulkhead will result in environmental degradation (e.g., release of
4730 deleterious material) or problems due to geological, engineering, or safety concerns,
4731 the department will authorize the replacement bulkhead to extend waterward of,
4732 but directly abutting, the existing structure. The design must use the least impacting
4733 type of structure and method of construction in these instances.
4734
- 4735 (j) The department may require an analysis performed by a geotechnical or structural
4736 engineer licensed in the state of Washington to justify placement of a new bulkhead
4737 waterward of the ordinary high water line and replacement and repair of a bulkhead
4738 that extends waterward of the existing structure.
- 4739

4740 **220-110-400 Residential docks (piers, ramps, and floats), buoys and**
4741 **other overwater structures in saltwater areas**

4742 The requirements in this section apply to location, design and construction of docks, watercraft
4743 lifts and mooring buoys whether permanent, seasonal, or temporary, in saltwater areas. All
4744 projects must meet the requirements in WAC 220-110-090 – General mitigation requirements
4745 for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that apply to the
4746 specific project.

4747
4748 **(1) DESCRIPTION**

4749
4750 A dock is a structure built out over or on the water. Typically, a person builds a dock to
4751 have access to a boat. A dock can be a pier only, a pier, ramp and float, or a float only. A
4752 pier is a stationary overwater structure supported by piling that extends out from the
4753 shoreline. A pier may or may not have a float associated with it. A float is a walkway or
4754 other surface that floats on the water. A ramp is a walkway that connects a pier or other
4755 shoreline to a float and provides access between the two. Pilings, which are associated
4756 with several of these structures, are long timber, steel, reinforced concrete or
4757 composite posts that are driven, jacked, or cast vertically into the bed. A watercraft lift
4758 is a structure that lifts boats and personal watercraft out of the water. A mooring buoy
4759 is floating surface structure used for private and commercial vessel moorage.

4760
4761 **(2) FISH LIFE CONCERNS**

4762
4763 Overwater structures can alter physical processes that create or maintain fish habitat.
4764 These include alteration of the light regime, hydrology, substrate conditions, and water
4765 quality. However, light reduction is the main impact to fish habitat. Light reduction, or
4766 shading, by overwater structures reduces survival of aquatic plants. Aquatic plants
4767 provide food, breeding areas, and protective nurseries for fish, shellfish, crustaceans
4768 and many other animals.

4769
4770 **(6) DOCKS**

4771
4772 (a) General Requirements

4773
4774 (i) Design and locate structures to avoid impacts to fish migration corridors, and fish
4775 spawning, nursery and settlement areas.

4776
4777 (ii) New and replacement docks in saltwater areas must be a pier, ramp and float
4778 design.

- 4779
4780 (iii) Locate all structures a minimum of twenty-five feet (measured horizontally from
4781 the edge of the structure) in all directions from seagrass and kelp.
4782
4783 (iv) In herring spawning areas, locate all structures a minimum of twenty-five feet
4784 (measured horizontally from the edge of the structure) in all directions from
4785 macroalgae beds with algae species on which herring spawn.
4786
4787 (v) The department prohibits skirting.
4788
4789 (b) Piers
4790
4791 (i) Piers shall span intertidal and wetland plants (except noxious weeds), surf smelt,
4792 and Pacific sand lance spawning beds.
4793
4794 (ii) The pier may not be more than six feet wide.
4795
4796 (iii) A pier greater than four feet (up to six feet) in width must have grating installed
4797 on at least 30% of the deck surface.
4798
4799 (iv) If the pier is oriented in a north/south direction, install the grating along the
4800 length of the pier for the entire length. If the pier is oriented in another
4801 direction, install the grating along the width of the pier, evenly spaced along the
4802 entire length of the pier. (Add diagram)
4803
4804 (v) The bottom of the pier must be at least four feet above the mean higher high
4805 water line elevation.
4806
4807 (c) Ramps
4808
4809 (i) Ramps may not be more than four feet wide.
4810
4811 (ii) Construct ramps entirely of grated material.
4812
4813 (d) Floats
4814
4815 (i) Floats may not exceed eight feet in width.
4816
4817 (ii) The total length of single-family dock float(s) may not be more than 30 feet and
4818 the total length of joint-use dock float(s) may not be more than 60 feet.
4819

- 4820 (iii) If the float is positioned perpendicular to the ramp, it may not be more than six
4821 feet wide and ten feet long.
4822
- 4823 (iv) A float six feet wide or less must have grating covering at least 30% of the deck
4824 surface. A float greater than six feet wide (up to eight feet) must have grating
4825 covering at least 50% of the deck surface. Flotation may be located under the
4826 solid decked area only.
4827
- 4828 (v) Flotation for the structure must be fully enclosed and contained in a shell (tub)
4829 that prevents breakup, or loss of the flotation material into the water, and is not
4830 readily subject to damage by ultraviolet radiation and abrasion.
4831
- 4832 (vi) Helical screw or “duckbill” anchor(s), piling, piling with stoppers and float
4833 support/stub pilings may hold floats in place.
4834
- 4835 (e) Treated wood
4836
- 4837 (i) The design must not use treated wood for the decking of the overwater
4838 structure, but the design may use treated wood for structural elements.
4839
- 4840 (i) Treated wood structural elements subject to abrasion must incorporate design
4841 features (e.g., metal bands) to minimize abrasion of the by vessels, piling, floats
4842 or other objects.
4843
- 4844 (f) Grating
4845
- 4846 All grating must have at least 60% open area. Grating must be oriented so the
4847 lengthwise opening is in the east-west direction to maximize the amount of light
4848 penetration. Any objects on, above or below the grating should not block light
penetration.
- 4849 (g) Anchors
4850
- 4851 If a design uses anchors to hold the float in place, the anchor lines may not rest on
the substrate at any time.
- 4852 (h) Piling
4853
- 4854 (i) Use the minimum number of piling necessary to construct a safe structure.
4855
- 4856 (ii) Piles must be no greater than 12 inches in diameter. Space 4-inch to 8-inch
4857 diameter piles no closer than 18 feet apart. Space 10-inch to 12-inch diameter
4858 piles no closer than 20 apart.

- 4859
- 4860 (iii) New and replacement piling can be steel, concrete, recycled plastic or untreated
- 4861 or ammoniacal copper zinc arsenate (ACZA) treated wood.
- 4862
- 4863 (iv) ACZA treated wood piling must incorporate design features (e.g., metal bands) to
- 4864 minimize abrasion of the piling by vessels, floats or other objects.
- 4865
- 4866 (i) Fill and piling
- 4867
- 4868 (i) The department only allows the use of fill around piling when the condition of
- 4869 the substrate prevents the use of driven piles.
- 4870
- 4871 (ii) Fill material is limited to clean rock and concrete.
- 4872
- 4873 (iii) Limit the total amount of fill to the minimum amount necessary to secure the
- 4874 piles.
- 4875
- 4876 (j) Noise and pile driving
- 4877
- 4878 (i) When practicable, use a vibratory hammer to drive steel piling.
- 4879
- 4880 (ii) When impact pile driving, use the smallest drop or hydraulic impact hammer
- 4881 necessary to complete the job, and set the drop height to the minimum
- 4882 necessary to drive the piling.
- 4883
- 4884 (iii) The department may require sound attenuation to minimize harm to fish from
- 4885 impact steel pile-driving noise.
- 4886
- 4887 (k) Piling removal
- 4888
- 4889 (i) If practicable, dislodge piling with a vibratory system.
- 4890
- 4891 (ii) After removal, place the piling on a construction barge or other dry storage site.
- 4892
- 4893 (iii) If a treated wood pile breaks during extraction, remove the stump from the
- 4894 water column by fully extracting the stump, cutting it three feet below the
- 4895 substrate or pushing it to that depth.
- 4896
- 4897 (iv) Cap the buried stump with clean sediment that matches the native material.
- 4898

4899 (v) Fill holes left by piling extraction with clean sediment that matches the native
4900 material.

4901
4902 (k) Seasonal storage

4903
4904 Place floats removed seasonally in non-vegetated or paved upland area.

4905
4906 **(7) WATERCRAFT LIFTS**

4907
4908 (e) Design grid/lift so that the bottom of the grid/lift rests at least 1 foot above the bed.

4909
4910 (f) Use the minimum number of additional piles necessary to support the watercraft
4911 grid/lift.

4912
4913 (g) Limit wall materials to the minimum open structural framework needed for roof
4914 support.

4915
4916 (h) Use translucent roofing materials to cover the roof area.

4917
4918 **(8) MOORING BUOY**

4919
4920 (a) In waterbodies where mooring buoy systems can potentially damage the bed and
4921 submerged aquatic vegetation, locate and design the buoy system to minimize
4922 damage.

4923
4924 (i) Locate the buoy at a sufficient depth to prevent vessel grounding.

4925
4926 (ii) Locate the buoy to avoid shading impacts from vessels and/or damage from vessel
4927 propellers to submerged aquatic vegetation.

4928
4929 (iii) Design the buoy system so that anchor lines do not drag.

4930
4931 (iv) Where practicable, use embedment style mooring anchors instead of surface
4932 style mooring anchors.

4933
4934 (v) Adequately size the mooring to prevent the anchor from shifting or dragging
4935 along the bed.

4936
4937 (b) Securely anchor the buoy.

4938
4939 (c) Construction Material

4940

- 4941 (i) If the department authorizes the use of a concrete anchor, use a pre-cast
4942 concrete anchor.
4943
- 4944 (ii) The buoy must have a shell that is not readily subject to damage by ultraviolet
4945 radiation and abrasion caused by rubbing against vessels, the bed, and/or
4946 waterborne debris.
4947
- 4948 (d) Maintenance
4949
- 4950 (i) Keep the mooring buoy system in good repair through regular inspections.
4951
- 4952 (ii) Dispose of derelict or unused floats, lines, chains, cables or mooring anchors in
4953 an upland area.
4954

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4955 **220-110-410 Boat ramps and launches in saltwater areas**

4956
4957 All projects must meet the requirements in WAC 220-110-090 – General mitigation
4958 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
4959 apply to the specific project.

4960 **(1) DESCRIPTION**

4961
4962 A boat ramp is a sloping stabilized roadway constructed on the shoreline for launching
4963 boats from vehicular trailers. Ramps extend into the water at a slope of twelve percent
4964 to fifteen percent and are typically oriented perpendicular to the shoreline. Ramp
4965 widths vary with its intended use, whereas the length often depends on the slope of the
4966 shoreline and tidal amplitudes. Ramps extend from the upland to below the low
4967 intertidal zone and are usually constructed in protected areas with access to deep water
4968 close to shore. Construction materials commonly consist of gravel, concrete, or asphalt;
4969 they are often associated with marinas and parking lots. A railway-type boat launch
4970 consists of a pair of railroad tracks supported by pilings extending from the upland down
4971 to the beach.

4972
4973 **(2) FISH LIFE CONCERNS**

4974
4975 A ramp replaces seabed habitat used by fish and shellfish. The large number of ramps in
4976 a given area increases the loss and fragments the seabed habitat. Ramps and launches
4977 placed above beach grade can block sediment movement (littoral drift). Ramp and
4978 launch placement and maintenance and associated vessel activity can cause disturbance
4979 or direct removal of aquatic vegetation.

4980
4981 **(3) GENERAL REQUIREMENTS**

- 4982
4983 (a) A person must design and locate the boat ramp or launch to avoid adverse impacts
4984 to saltwater habitats of special concern.
- 4985 (b) Design and locate boat ramps so the greatest amount of excavation occurs above
4986 the ordinary high water line.
- 4987
4988 (i) The following designs minimize interference with tidal currents and littoral drift. In
4989 the order of preference these are:
- 4990
4991 A. Elevated railway-type launches
4992
4993 B. Hoist or lift launches

- 4994
4995 C. Elevated ramps
4996
4997 D. Ramps constructed at beach grade
4998
4999 (c) The department may not authorize dredging of the seabed to allow boats to access a
5000 boat ramp or launch.

5001
5002 **(4) BOAT RAMP REQUIREMENTS**

- 5003
5004 (a) The department will authorize boat ramps on marine accretion shoreforms (such a
5005 barrier beaches, points, spits, hooks) only if there will be no impact to natural
5006 physical processes that create and maintain shoreform habitats.
5007
5008 (b) Ramps constructed above the grade must have side slopes no steeper than one and
5009 one-half feet horizontal to one foot vertical.
5010
5011 (c) Use pre-cast concrete slabs to construct a concrete boat ramp below ordinary high
5012 water or isolate the wet cement until it is fully hardened.
5013
5014 (d) Construct the ramp in the dry.
5015
5016 (e) Design and construct the ramp to prevent erosive undercutting or breaking of ramp
5017 edges.

5018
5019 **(5) RAILWAY-TYPE BOAT LAUNCH REQUIREMENTS**

- 5020
5021 (a) Securely anchor launching rails to the bottom.
5022
5023 (b) Use the minimum number of piling necessary to construct a safe structure.
5024

5025 **(6) MAINTENANCE**

5026
5027 A person may remove or excavate clean sediment or other natural material that
5028 obstructs or interferes with normal use of a boat ramp, if only the minimum amount of
5029 sediment and debris necessary to restore normal use are disturbed. Side cast the
5030 sediment and large wood or return it to the water downdrift to provide aquatic habitat
5031 function.

5032

5033 **220-110-420 Marinas and terminals in saltwater areas**

5034

5035 The requirements in this section apply to construction, maintenance, repair, and removal of
5036 marinas and marine terminals in saltwater areas. All projects must meet the requirements in
5037 WAC 220-110-090 – General mitigation requirements for HPAs, and any requirements in WAC
5038 220-110-110 through 220-110-450 that apply to the specific project.

5039

5040 **(1) DESCRIPTION**

5041 A marina is a public or private facility providing vessel moorage space, fuel, or
5042 commercial services. Commercial services include but are not limited to overnight or
5043 live-aboard vessel accommodations (RCW 77.55.011(10)).

5044

5045 A terminal is a public or private commercial wharf located in the navigable waters of the
5046 state and used, or intended to be used, as a port or facility for the storing, handling,
5047 transferring, or transporting of goods, passengers, and vehicles to and from vessels
5048 (RCW 77.55.011(11)).

5049

5050 **(1) FISH LIFE CONCERNS**

5051

5052 Marinas and terminals can alter physical processes that create or maintain fish habitat.
5053 These include alteration of the light regime, hydrology, substrate conditions, and water
5054 quality. However, light reduction is the main impact to fish habitat. Marinas and
5055 terminals have a larger impact area than residential docks and they are usually
5056 associated with heavy boat traffic and human use. As a result, the size and amount of
5057 the impacts to fish life are greater.

5058

5059 **(2) GENERAL REQUIREMENTS**

5060

5061 (a) The department prohibits the construction of marinas and terminals on or over the
5062 following saltwater habitats of special concern: Pacific herring spawning beds,
5063 lingcod, and rockfish settlement and nursery areas.

5064

5065 (b) The department may require physical modeling, numerical models, or other
5066 information that demonstrates adequate water exchange and circulation.

5067

5068 **(3) SITE SELECTION REQUIREMENTS**

5069

5070 (a) Locate marinas and terminals to avoid adverse impacts to surf smelt, Pacific sand
5071 lance and other saltwater habitats of special concern.

5072

- 5073 (i) Locate marinas and terminals away from areas with seagrass and kelp.
5074
5075 (ii) Locate marinas and terminals in areas naturally deep so dredging is not required.
5076
5077 (iii) Locate marinas and terminals in areas deep enough to prevent propeller wash
5078 impacts to the bed.
5079
5080 (iv) Locate marinas and terminals in areas with low or impaired biological integrity.
5081

5082 **(4) DESIGN REQUIREMENTS FOR MARINAS AND TERMINAL**
5083

- 5084 (a) Design marinas and terminals so most overwater coverage is in the deepest water
5085 practicable.
5086
5087 (b) Minimize the amount of pier area that directly contacts the shoreline to allow light
5088 penetration to the nearshore and shallow intertidal.
5089
5090 (c) Minimize the width of overwater structures.
5091
5092 (d) Use the smallest number of piling necessary to carry the load.
5093
5094 (e) Design piers and other above water structures as high as practical to increase light
5095 transmission.
5096
5097 (f) Use light-reflecting materials on the underside of above water structures, whenever
5098 practicable.
5099

5100 **(5) DESIGN REQUIREMENTS FOR MARINAS**
5101

- 5102 (a) The following requirement apply to all marina construction:
5103
5104 (i) If practical, install grating with maximum open space in overwater structures.
5105 The department requires 60% open space, when practicable.
5106
5107 (ii) Orient grating to maximize light transmission under the structure.

5108 (iii) Site slips for smaller boats in shallower water and place slips for larger boats in
5109 deeper water.
5110
5111 (iv) Boathouses, houseboats, and covered moorages shall not be located landward
5112 of minus twenty feet MLLW.
5113

- 5114 (b) The following requirements apply to marina construction shoreward of the existing
5115 ordinary high water line:
5116
5117 (i) A single entrance may be required.
5118
5119 (ii) The entire inner shoreline must be in conformance with bulkheading provisions
5120 in WAC 220-110-380.
5121
- 5122 (c) The following requirements apply to marina construction waterward of the ordinary
5123 high water line:
5124
5125 (i) Bulkheading of the beach area inside the marina must comply with the
5126 bulkheading provisions in WAC-220-110-380. Between the elevation of the toe
5127 of the bulkhead and MLLW the beach face shall not exceed a one and one-half
5128 feet horizontal to one foot vertical.
5129
5130 (ii) For a single entrance or breach marina, the breakwater structure may not
5131 exceed one and one half feet horizontal to one-foot vertical slope inside and
5132 outside the marina.
5133
- 5134 (d) The following requirements apply when a marina includes breaches that form shore
5135 breakwaters (jetties) and detached breakwaters:
5136
5137 (i) The toe of the shore breakwaters (jetties) may extend seaward to MLLW, but
5138 may not extend seaward more than two hundred and fifty feet from OHWL.
5139
5140 (ii) The shore breakwaters must have a minimum slope of one and one half feet
5141 horizontal to 1 foot vertical throughout.
5142
5143 (iii) The breaches between the shore breakwaters and the detached breakwaters
5144 must be not less than twenty feet in width measured at the toe of the slope.
5145
- 5146 **(6) PILING**
5147
5148 (a) Avoid use of continuous sheet piles.
5149
5150 (b) Use the minimum number of piling necessary to construct a safe structure.
5151
5152 (c) New and replacement piling can be steel, concrete, recycled plastic or untreated or
5153 ammoniacal copper zinc arsenate (ACZA) treated wood.
5154

5155 (d) ACZA treated wood piling must incorporate design features (e.g., metal bands) to
5156 minimize abrasion of the piling by vessels, floats or other objects.

5157

5158 **(7) NOISE AND PILE DRIVING**

5159

5160 (a) Use a vibratory hammer to drive steel piling whenever practicable.

5161

5162 (b) The department may require sound attenuation to minimize harm to fish from
5163 impact steel pile-driving noise.

5164

5165 (c) To avoid attracting fish with light during nighttime pile driving operations, limit pile
5166 driving to daylight hours to the extent practicable.

5167

5168 **(8) BREAKWATERS**

5169

5170 (a) Where possible, use removable, floating breakwaters.

5171

5172 (b) If permanent breakwaters are necessary, use submerged breakwaters in place of
5173 exposed breakwaters where appropriate.

5174

5175 (c) Construct isolated permanent breakwaters beyond the line of extreme low tide of
5176 permanent material. No slope restrictions apply.

5177

5178 **(9) MAINTENANCE**

5179

5180 (a) Maintain all navigation channels and breaches at or below marina or terminal depth
5181 to provide adequate fish passage.

5182

5183 (b) Any replacement roof, wall, or garage door for covered moorages and boathouses
5184 must be made of translucent materials. In addition, each side (except the door) of
5185 the boathouse must have windows at least 4 feet wide installed the length of the
5186 boat house, subject to breaks only for structural support. A person may install
5187 skylights (at least two 4-foot by 4-foot) in the roof in lieu of translucent panels.

5188

5189 **220-110-430 Dredging in saltwater areas**

5190

5191 The requirements of this section do not apply to suction dredging for mineral prospecting
5192 covered in WAC 220-110-310. All projects must meet the requirements in WAC 220-110-090 –
5193 General mitigation requirements for HPAs, and any requirements in WAC 220-110-110 through
5194 220-110-450 that apply to the specific project.

5195

5196 **(1) DESCRIPTION**

5197

5198 Dredging includes the removal of substrate to improve vessel navigation and to
5199 maintain channels. Dredging is also used to clean up contaminated sediments.

5200

5201 **(2) FISH LIFE CONCERNS**

5202

5203 Dredging results in changes in bathymetry, habitat loss, and change to estuarine and
5204 nearshore marine ecosystem dynamics (e.g., salinity intrusion). Dredging converts
5205 intertidal habitat to subtidal habitat and shallower subtidal habitats to deeper subtidal
5206 habitats. Dredging affects the plant and animal assemblages that are uniquely adapted
5207 to the particular light, current, and substrate regimes of intertidal areas. By altering
5208 bathymetry and bottom substrates, such conversions produce a “trade-off” of intertidal
5209 and shallow-subtidal communities for deeper, subtidal communities.

5210

5211 In addition to harming habitat, dredging may kill and injure fish and shellfish when
5212 dredging equipment traps fish and shellfish in the uptake of sediments and water.
5213 Suspended sediments released into the water column by dredging can affect fish by
5214 interfering with breathing and feeding, and by changing predator-prey relationships.

5215

5216 **(3) REQUIREMENTS**

5217

5218 (a) In addition to those timing limitations listed in WAC 220-110-XXX, the department
5219 may further restrict dredge timing to protect other important fish life.

5220

5221 (b) The department may require hydrodynamic modeling to assess changes in salinity,
5222 turbidity, and other physicochemical regimes for new dredging projects and
5223 expansions.

5224

5225 (c) The department may require multi-season pre- and post-dredge project bathymetric
5226 biological surveys.

5227

- 5228 (d) The department prohibits dredging in sand lance, surf smelt, and herring spawning
5229 beds, rockfish and lingcod settlement and nursery areas, and Olympia oyster and
5230 pinto abalone settlement areas.
- 5231
- 5232 (e) The department will evaluate the potential impacts of dredging and the disposal of
5233 dredged materials in eulachon spawning areas and condition these projects based
5234 on project location, seasonality, scale, frequency, and duration and on run timing,
5235 run size and presence/absence in the project area.
- 5236
- 5237 (f) Dredging must avoid adverse impacts to seagrasses, kelp, macroalgae, intertidal
5238 vascular plants and geoduck tracts.
- 5239
- 5240 (g) A person must avoid dredging projects and expansions that convert intertidal to
5241 subtidal habitat.
- 5242
- 5243 (h) A person must conduct dredging with dredge types and methods that cause the
5244 least adverse impact to fish and shellfish and their habitat.
- 5245
- 5246 (i) A person must limit the depth of the dredging to no greater than the channel depth
5247 at the seaward end. The department may authorize dredging to depths greater than
5248 the channel at the seaward end only in berthing areas and turning basins for
5249 commercial shipping purposes.
- 5250
- 5251 (j) A person must operate a hydraulic dredge with the intake at or below the bed
5252 surface. A person must only raise the intake a maximum of three feet above the bed
5253 for brief periods of purging or flushing the intake system.
- 5254
- 5255 (k) A person must operate a dragline or clamshell to minimize turbidity. During
5256 excavation, each pass with the clamshell or dragline bucket must be complete.
5257 Dredged material must not be stockpiled waterward of the ordinary high water line.
- 5258
- 5259 (l) A person must dispose of dredged bed materials at a department-approved in-water
5260 disposal site or outside the floodplain so they do not reenter state waters. The
5261 department may instead allow dredged material placement in areas for beneficial
5262 uses such as beach nourishment or capping of contaminated sediments.
- 5263

5264
5265
5266
5267

(m) Hopper dredges, scows and barges used to transport dredged materials to the disposal or transfer sites must completely contain the dredged material to minimize turbidity.

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5268 **220-110-440 Outfall structures in saltwater areas**

5269 All projects must meet the requirements in WAC 220-110-090 – General mitigation
5270 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
5271 apply to the specific project.

5272

5273 **(1) DESCRIPTION**

5274 Outfalls move water from one place to another, typically another body of water. They
5275 may convey stormwater, or other waste materials.

5276

5277 **(1) FISH LIFE CONCERNS**

5278

5279 Outfalls can increase erosion of the bed and bank, trap sediment and cause a direct loss
5280 of beach and bank side riparian habitat.

5281

5282 **(2) LIMIT OF AUTHORITY**

5283

5284 (a) The department may not condition HPAs for storm water discharges in locations
5285 covered by a national pollution discharge elimination system municipal storm water
5286 general permit for water quality or quantity impacts. The HPA is required only for
5287 the actual construction of any storm water outfall or associated structures.

5288

5289 (b) In locations not covered by a national pollution discharge elimination system
5290 municipal storm water general permit, the department may issue HPAs that contain
5291 provisions that protect fish life from adverse effects, such as scouring or erosion of
5292 the bed of the water body, resulting from the direct hydraulic impacts of the
5293 discharge.

5294

5295 (i) Prior to the issuance of an HPA under this subsection, the department must:

5296

5297 (A) Make a finding that the discharge from the outfall will cause harmful effects
5298 to fish life:

5299

5300 (B) Transmit the findings to the applicant and to the city or county where the
5301 project is being proposed; and

5302

5303 (C) Allow the applicant an opportunity to use local ordinances or other
5304 mechanisms to avoid the adverse effects resulting from the direct hydraulic
5305 discharge. The forty-five day requirement for HPA issuance under RCW

5306 77.55.021 is suspended during the time period the department is meeting
5307 the requirements of this subsection.
5308

5309 (ii) After following the procedures set forth in (b) of this subsection, the department
5310 may issue an HPA that prescribes the discharge rates from an outfall structure
5311 that will prevent adverse effects to the bed or flow of the waterway. The
5312 department may recommend, but not specify, the measures required to meet
5313 these discharge rates. The department may not require changes to the project
5314 design above the mean higher high water mark of marine waters, or the ordinary
5315 high water mark of freshwaters of the state.
5316

5317 **(3) CONSTRUCTION REQUIREMENTS**
5318

5319 (a) The watercourse bank and bed at the point of discharge must be protected using
5320 bioengineering methods or other department-approved methods to prevent
5321 scouring.
5322

5323 (b) A person must design and locate outfalls so that outflow or any associated energy
5324 dissipaters do not cause loss of fish and shellfish habitat. The department may
5325 require that energy be dissipated using one or more of the following methods, or
5326 other effective method proposed by a person:
5327

5328 (i) Existing natural habitat features (large logs, root wads, natural large rocks or
5329 rock shelves, etc.), without degrading these features;
5330

5331 (ii) Pads of native plants (shrubs and grasses) and biodegradable fabric;
5332

5333 (iii) Imported fish habitat components (large woody material);
5334

5335 (iv) Manufactured in-line energy dissipaters, such as a tee diffuser;
5336

5337 (v) Rounded rock energy dissipation pads;
5338

5339 (vi) Angular rock energy dissipation pads, if other options are impracticable.
5340

5341 (c) The outlet of submerged outfall piping protruding above grade in marine
5342 environments must extend past the nearshore zone. An outfall pipe or other
5343 structural element that crosses a beach must be buried an adequate depth to
5344 prevent interruption of longshore sediment drift.
5345

5346 **220-110-450 Utility crossings in saltwater areas**

5347

5348 All projects must meet the requirements in WAC 220-110-090 – General mitigation
5349 requirements for HPAs, and any requirements in WAC 220-110-110 through 220-110-450 that
5350 apply to the specific project.

5351

5352 **(1) DESCRIPTION**

5353

5354 Utility lines are cables and pipelines that transport gas, telecommunications, fiber
5355 optics, power, sewer, oil and water lines underneath watercourses.

5356

5357 **(2) FISH LIFE CONCERNS**

5358

5359 Utility crossings pose a risk to fish and fish habitat due to potential changes of
5360 substrates, destabilization of stream banks and channels, loss of riparian habitat, and
5361 loss of aquatic vegetation. Trenching through banks and the bed alters habitat and
5362 substrate characteristics and hence their productivity.

5363

5364 The department prefers trenchless crossing methods that cause very little disturbance
5365 to the bed and banks such as high-pressure directional drilling.

5366

5367 **(3) REQUIREMENTS**

5368

5369 (a) The department may further limit timing restrictions for digging trenches in the
5370 beach for the installation of cables, sewer lines, and other utilities to protect
5371 other important fish life.

5372

5373 (b) Excavation for and installation of cables, sewer lines, and other utilities must be
5374 conducted with equipment and techniques that minimize adverse impacts to fish
and shellfish and their habitats.

5375

5376 (c) Excavation of trenches within the beach area must not occur when tidal waters
inundate the project area.

5377

5378 (d) Trenches excavated for placement of utilities may remain open for limited times
during construction, provided fish are prevented from entering open trenches.

5379

(e) Locate utility lines to avoid impacts to saltwater habitats of special concern.

5380

5381 **220-110-460** **Habitat restoration in saltwater areas**

5382 PLACEHOLDER

5383

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5384 **220-110-470 Informal appeal of adverse administrative actions**

5385 The department recommends that a person aggrieved by the issuance, denial, conditioning, or
5386 modification of an HPA contact the department employee responsible for making the decision
5387 on the HPA before initiating an informal appeal. Discussion of concerns with the department
5388 employee often results in a resolution of the problem without the need for an informal appeal.

5389 The department encourages aggrieved persons to take advantage of the informal appeal
5390 process before initiating a formal appeal. However, the informal appeal process is not
5391 mandatory, and a person may proceed directly to a formal appeal under WAC 220-110-470.

5392 (1) This rule does not apply to any provisions or conditions in pamphlet HPAs. A person who
5393 disagrees with a provision or condition in a pamphlet HPA may apply for an individual,
5394 written HPA.

5395 (2) Any person with standing may request an informal appeal of the following department
5396 actions:

5397
5398 (a) The issuance, denial, conditioning, or modification of an HPA; or

5399
5400 (b) An order imposing civil penalties.

5401
5402 (3) A request for an informal appeal must be in writing and must be received by the
5403 department within thirty days from the date of receipt of the decision or order. "Date of
5404 receipt" means:

5405
5406 (a) Five business days after the date of mailing; or

5407
5408 (b) The date of actual receipt, when the actual receipt date can be proven by a
5409 preponderance of the evidence. The recipient's sworn affidavit or declaration
5410 indicating the date of receipt, which is unchallenged by the department, must
5411 constitute sufficient evidence of actual receipt. The date of actual receipt; however,
5412 may not exceed forty-five days from the date of mailing.

5413
5414 (4) A request for informal appeal must be mailed to the HPA Appeals Coordinator,
5415 Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia,
5416 Washington 98501-1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-
5417 2946; or hand-delivered to the Natural Resources Building, 1111 Washington Street S.E.,
5418 Habitat Program, Fifth floor.

5419
5420 (5) The request must be plainly labeled as "Request for Informal Appeal" and must include
5421 the following:

- 5422 (a) The appellant's name, address, e-mail address (if available), and phone number;
- 5423 (b) The specific department action that the appellant contests;
- 5424 (c) The date the department issued, denied, conditioned, or modified an HPA, or the
5425 date the department issued the order imposing civil penalties;
- 5426 (d) The log number or a copy of the HPA, or a copy of the order imposing civil penalties;
- 5427 (e) A short and plain statement explaining why the appellant considers the department
5428 action or order to provide inadequate protection of fish life or to be otherwise unlawful;
- 5429 (f) A clear and concise statement of facts to explain the appellant's grounds for appeal;
- 5430 (g) Whether the appellant is the permittee, HPA applicant, landowner, resident, or
5431 another person with an interest in the department action in question;
- 5432 (h) The specific relief requested;
- 5433 (i) The attorney's name, address, e-mail address (if available), and phone number, if the
5434 appellant is represented by legal counsel; and
- 5435 (j) The signature of the appellant or his or her attorney.
- 5436 (6) Upon receipt of a valid request for an informal appeal, the department may initiate a
5437 review of the department action. If the appellant agrees, and the appellant applied for
5438 the HPA, resolution of the appeal may be facilitated through an informal conference.
5439 The informal conference is an optional part of the informal appeal and is normally a
5440 discussion between the appellant, the department employee responsible for the
5441 decision, and a supervisor. The time period for the department to issue a decision on an
5442 informal appeal is suspended during the informal conference process.
5443
- 5444 (7) If a resolution is not reached through the informal conference process, the appellant is
5445 not the person who applied for the HPA, or the appeal involves an order imposing civil
5446 penalties, the HPA appeals coordinator or designee must conduct an informal appeal
5447 hearing. Upon completion of the informal appeal hearing, the HPA appeals coordinator
5448 or designee must recommend a decision to the director or designee. The director or
5449 designee must approve or disapprove the recommended decision within sixty days of
5450 the date the department received the request for informal appeal, unless the appellant
5451 agrees to an extension of time. The department must notify the appellant in writing of
5452 the decision of the director or designee.
5453
- 5454 (8) If the department declines to initiate an informal review of its action after receipt of a
5455 valid request, or the appellant still wishes to contest the department action following
5456 completion of the informal appeal process, the appellant may initiate a formal appeal

5457
5458

under WAC 220-110-350. Formal review must be requested within the time periods specified in WAC 220-110-350.

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5459 **220-110-480 Formal appeal of administrative actions**

5460 The department recommends that a person aggrieved by the issuance, denial, conditioning, or
5461 modification of an HPA contact the department employee responsible for making the decision
5462 on the HPA before initiating a formal appeal. Discussion of concerns with the department
5463 employee often results in a resolution of the problem without the need for a formal appeal.

5464 The department encourages aggrieved persons to take advantage of the informal appeal
5465 process under WAC 220-110-460 before initiating a formal appeal. However, the informal
5466 appeal process is not mandatory, and a person may proceed directly to a formal appeal.

5467 This rule does not apply to any provisions or conditions in pamphlet HPAs. A person who
5468 disagrees with a provision or condition in a pamphlet HPA may apply for an individual, written
5469 HPA.

5470 (1) Any person with standing may request a formal appeal of the following department
5471 actions:

5472

5473 (a) The issuance, denial, conditioning, or modification of an HPA; or

5474

5475 (b) An order imposing civil penalties.

5476

5477 (2) As required by the Administrative Procedure Act, chapter 34.05 RCW, the department
5478 must inform the HPA permittee or applicant, or person subject to civil penalty order of
5479 the department, of the opportunity for appeal, the time within which to file a written
5480 request for an appeal, and the place to file it.

5481

5482 (3) A request for formal appeal must be in writing and must be filed with the clerk of the
5483 pollution control hearings board (PCHB) and served on the department within thirty
5484 days from the date of receipt of the decision or order. "Date of receipt" means:

5485

5486 (a) Five business days after the date of mailing; or

5487

5488 (b) The date of actual receipt, when the actual receipt date can be proven by a
5489 preponderance of the evidence. The recipient's sworn affidavit or declaration
5490 indicating the date of receipt, which is unchallenged by the department, must
5491 constitute sufficient evidence of actual receipt. The date of actual receipt; however,
5492 may not exceed forty-five days from the date of mailing.

5493

5494 (4) Service on the department must be mailed to the HPA Appeals Coordinator,
5495 Department of Fish and Wildlife, Habitat Program, 600 Capitol Way N., Olympia,
5496 Washington 98501-1091; e-mailed to HPAapplications@dfw.wa.gov; faxed to 360-902-

5497 2946; or hand-delivered to the Natural Resources Building, 1111 Washington Street S.E.,
5498 Habitat Program, Fifth floor.

5499
5500 (5) The time period for requesting a formal appeal is suspended during consideration of a
5501 timely informal appeal. If there has been an informal appeal, the deadline for requesting
5502 a formal appeal must be within thirty days from the date of receipt of the department's
5503 written decision in response to the informal appeal.

5504
5505 (6) The request for formal appeal must contain the information required by WAC 371-08-
5506 340.

5507
5508 (7) The department in its discretion may stay the effectiveness of any decision or order that
5509 has been appealed to the PCHB. The department will use the standards in WAC 371-08-
5510 415(4) to make a decision on any stay request. At any time during the appeal to the
5511 PCHB, the appellant may apply to the PCHB for a stay of the decision or order, or
5512 removal of a stay imposed by the department.

5513
5514 (8) If there is no timely request for an appeal, the department action must be final and
5515 unappealable.

5516 **220-110-490 Compliance**

5517 **(1) DEPARTMENT PROGRAM**

5518

5519 The department must develop programs to encourage voluntary compliance by
5520 providing technical assistance consistent with statutory requirements. The programs
5521 must include, but are not limited to, technical assistance visits, printed information,
5522 information and assistance by telephone, training meetings, and other appropriate
5523 methods to provide technical assistance. In addition, the department must provide
5524 upon request a list of organizations, including private companies, which provide
5525 technical assistance. This list must be compiled by the department from information
5526 submitted by the organizations and does not constitute an endorsement by the
5527 department of any organization.

5528

5529 **(2) TECHNICAL ASSISTANCE VISIT**

5530 (a) For the purposes of this chapter, a technical assistance visit is a visit by the
5531 department to a facility, business, or other location that:

5532

5533 (i) Has been requested or is voluntarily accepted; and

5534

5535 (ii) Is declared by the department at the beginning of the visit to be a technical
5536 assistance visit.

5537

5538 (b) During a technical assistance visit, or within a reasonable time thereafter, the
5539 department must inform the owner or operator of the facility of any violations of
5540 law or department rules identified by the department as follows:

5541 (i) A description of the condition that is not in compliance and the text of the
5542 specific section or subsection of the applicable state law or rule;

5543

5544 (ii) A statement of what is required to achieve compliance;

5545

5546 (iii) The date by which the department requires compliance to be achieved;

5547

5548 (iv) Notice of the means to contact any technical assistance services provided by the
5549 department or others; and

5550

5551 (v) Notice of when, where, and to whom a request to extend the time to achieve
5552 compliance for good cause may be filed with the department.

5553

5554 **(3) NOTICE OF CORRECTION**

5555

5556 (a) If in the course of any inspection or visit that is not a technical assistance visit, the
5557 department becomes aware of conditions that are not in compliance with applicable
5558 laws and rules enforced by the department and are not subject to penalties as
5559 provided for in subsections (4) or (6) of this rule, the department may issue a notice
5560 of correction to the responsible party that must include:

5561 (i) A description of the condition that is not in compliance and the text of the
5562 specific section or subsection of the applicable state law or rule;

5563
5564 (ii) A statement of what is required to achieve compliance;

5565
5566 (iii) The date by which the department requires compliance to be achieved;

5567
5568 (iv) Notice of the means to contact any technical assistance services provided by the
5569 department or others; and

5570
5571 (v) Notice of when, where, and to who in the department a request to extend the
5572 time to achieve compliance for good cause may be filed.

5573
5574 (b) A notice of correction is not a formal enforcement action, is not subject to appeal,
5575 and is a public record.

5576
5577 (c) If the department issues a notice of correction, it must not issue a civil penalty for
5578 the violations identified in the notice of correction unless the responsible party fails
5579 to comply with the notice.

5580

5581 **(4) CIVIL PENALTIES**

5582

5583 (a) The department may issue a civil penalty provided for by law without first issuing a
5584 notice of correction if:

5585

5586 (i) The person has previously been subject to an enforcement action for the same
5587 or similar type of violation of Chapter 77.55 RCW or Chapter 220-110 WAC or has
5588 been given previous notice of the same or similar type of violation of the this
5589 statute or rule; or

5590

5591 (ii) Compliance is not achieved by the date established by the department in a
5592 previously issued notice of correction, if the department has responded to any
5593 request for review of such date by reaffirming the original date or establishing a
5594 new date; or

5595

5596 (iii) The violation has a probability of placing a person in danger of death or bodily
5597 harm, has a probability of causing more than minor environmental harm, or has

5598 a probability of causing physical damage to the property of another in an
5599 amount exceeding one thousand dollars; or

5600
5601 (iv) The violation was committed by a business that employed fifty or more
5602 employees on at least one day in each of the preceding twelve months.

5603
5604 (b) The department may impose a civil penalty of up to one hundred dollars per day for
5605 a violation of any provisions of chapter 77.55.021 RCW or chapter 220-110 WAC.
5606 The department must impose the civil penalty with an order in writing delivered by
5607 certified mail or personal service to the person who is penalized. The notice must
5608 describe the violation, identify the amount of the penalty, identify how to pay the
5609 penalty, and identify the process for informal and formal appeals of the penalty. If
5610 the violation is an ongoing violation, the penalty must accrue for each additional day
5611 of violation. For ongoing violations, the civil penalty may continue to accrue during
5612 any appeal process unless the accrual is stayed in writing by the department in an
5613 informal appeal or the board in a formal appeal.

5614
5615 (c) If not timely appealed under WAC 220-110-460 or 220-110-470, the civil penalty
5616 order is final and unappealable. If appealed, the civil penalty becomes final upon
5617 issuance of a final order not subject to any further administrative appeal. When a
5618 civil penalty order becomes final, it is due and payable. If the civil penalty is not paid
5619 within thirty days after it becomes due and payable, the department may seek
5620 enforcement of the order under RCW 77.55.291 and RCW 34.05.578.

5621
5622 (d) The department must comply with the requirements of RCW 34.05.110 before
5623 issuing a civil penalty to a small business as defined in that statute.

5624
5625 **(5) TIME FOR COMPLIANCE**

5626 The department must provide for a reasonable time to achieve compliance. Any person
5627 receiving a notice of correction pursuant to subsections (3) or (4) may request an
5628 extension of time to achieve compliance for good cause. Requests must be submitted to
5629 the department in writing following the procedures specified by the department in the
5630 notice. The department must respond in writing within ten calendar days.

5631 **(6) CRIMINAL PENALTY**

5632
5633 Under RCW 77.15.300, it is a gross misdemeanor to construct any form of hydraulic
5634 project or perform other work on a hydraulic project without having first obtained an
5635 HPA from the department, or, violate any requirements or conditions of the HPA for
5636 such construction or work.
5637